

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 PORTLAND DIVISION

4 UNITED STATES OF AMERICA,)
5)
6 Plaintiff,) Case No. 3:10-CR-475-KI
7)
8 v.)
9) January 28, 2013
MOHAMED OSMAN MOHAMUD,)
8)
9 Defendant.) Portland, Oregon
9 _____)

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13 TRIAL - DAY 11

14 MORNING SESSION

15 TRANSCRIPT OF PROCEEDINGS

16 BEFORE THE HONORABLE GARR M. KING

17 UNITED STATES DISTRICT COURT JUDGE
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1 P R O C E E D I N G S

2 (Court reconvened out of the presence of the jury.)

3 DEPUTY COURTROOM CLERK: All rise.

4 THE COURT: Good morning.

5 MR. SADY: Good morning, Your Honor.

6 THE COURT: I have the Government's motion for
7 offer of proof. For defense witness. Has the defense
8 responded?

9 MS. HAY: No, Your Honor. I think that was just
10 filed 15 minutes ago or so. I -- I believe -- the issue is
11 we have the equivalent of -- Agent Dwyer testified for the
12 Government the other day. We want our investigative
13 equivalent to testify, as well. That would be
14 Mr. Ahlemeyer.

15 THE COURT: What's he going to say?

16 MS. HAY: Oh, he's going to remember the things
17 that Agent Dwyer and Agent Springer were unable to remember
18 about what was in the discovery. As you recall, when they
19 were asked questions, they often said, "I can't recall. I
20 can't recall," so we need to have a witness who can come in
21 and say, yes, in the discovery there is a document with a
22 certain date on it.

23 He won't be testifying to the content. He's not an
24 expert witness. He's testifying to documents that were
25 received and the dates they were received.

1 THE COURT: Just the fact of receipt?

2 MS. HAY: Yes. Simply -- it's essentially like
3 Agent Springer.

4 THE COURT: Why can't you agree to that?

5 MS. HAY: Well, Your Honor, we had tried that, but
6 I think we need to have a witness put some of those items in
7 evidence. I don't expect it would be very long testimony,
8 but we would want to walk through and say this is a document
9 that was received or written on a certain date.

10 THE COURT: Well, either that, or just stand up
11 and stipulate with the Government. That's -- if -- if
12 there's no dispute, I'd hate to have a witness up there
13 testifying when you can just stipulate that this is a
14 document, you know, whatever it is.

15 MS. HAY: Well, Your Honor, we had offered to
16 stipulate to part of the Government's case, and the Court
17 said, no, the Government is entitled to have a witness put
18 the evidence in. We would ask for the same consideration
19 that we could have a witness testify about the document.

20 THE COURT: I don't remember specifically what
21 part of the Government's case you were going to stipulate
22 to.

23 MS. HAY: Your Honor, it was all related to what
24 occurred on November 26th; that they didn't need certain
25 videos and they didn't need evidence.

1 THE COURT: Well --

2 MS. HAY: So, in this case, for --

3 THE COURT: Why don't you work out a stipulation?

4 That's the way it's normally done. And if you have any
5 trouble with the stipulation, then you can call a witness to
6 state, "I work with the Public Defender's Office, and this
7 document came in as part of the discovery."

8 MS. HAY: Your Honor, the other testimony the
9 witness would give is about the summary exhibits that have
10 already been offered into evidence, but the Government
11 witness called into question some of the statements in the
12 summary document. So, again, for example, the text message
13 summary that was in evidence already, the Government witness
14 continued to suggest that the names in those text messages
15 might be inaccurate and the Government witness also
16 suggested that the defense had not provided all of the text
17 messages that the Government gave us.

18 So, again, that's an implication on the record that we
19 need to correct.

20 THE COURT: Well, we've got a witness who we have
21 to get to, so I'll take a look at this, and I want to hear
22 from the Government at the break on it, and we'll take care
23 of it then.

24 Let me raise an issue with you. Today at 3:00 there's
25 a court memorial for Judge Skopil. I had not planned on

1 attending it, but Judge O'Scannlain is a little concerned
2 that maybe a lot of people who want to attend that won't be
3 able to do so because of this trial. Was anyone here
4 planning on attending the Judge Skopil -- it's a -- it's a
5 court event for him at the Pioneer Courthouse. It would
6 probably take about an hour or two.

7 MR. WAX: Your Honor, we passed on our regrets
8 that we would not be able to attend because of the trial.
9 We have scheduled a number of the experts based on the
10 expectation that we would be in court today and -- until
11 5:00, and we have some tight flight schedules that we're
12 working with.

13 THE COURT: All right. That's all I wanted to
14 know at this point. I'll advise Judge O'Scannlain that
15 we're sorry we can't accommodate him.

16 All right. Let's go ahead with our testimony, then.

17 (The jury panel enters the courtroom.)

18 THE COURT: Good morning, members of the jury. I
19 can't tell you how happy we are when we come in on Monday
20 morning and all the members of the jury are here and they're
21 smiling and ready to go, so thank you.

22 All right. We'll go ahead with the testimony of the
23 witness then.

24 MR. KNIGHT: Thank you, Your Honor.
25

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1 EVAN KOHLMANN,
2 called as a witness in behalf of the Plaintiff, being
3 previously been sworn, is examined and testified as follows:
4

5 DIRECT EXAMINATION

6 BY MR. KNIGHT: (Continuing)

7 Q. Thank you. Mr. Kohlmann, when we left off on Friday
8 afternoon you were discussing the criteria you applied to
9 the evidence in the case. Do you recall that?

10 A. Yes, I do.

11 Q. At the conclusion of Friday afternoon, we had just
12 completed your discussion of your third factor of analysis.
13 Could you now begin by describing to the jury what your
14 fourth factor and analysis is in looking at the evidence in
15 this case?

16 A. Yes. Again, the first factor being the self-selecting
17 plots and schemes; the second factor, of course, being the
18 ties to extremist groups or preexisting ties to extremist
19 groups; the third factor, of course, being adoption of a
20 hard lined sectarian ideology; and the fourth prong being
21 logistical subterfuge or the use of logistical subterfuge.

22 Q. Thank you. I think we were discussing that. So if we
23 can begin by describing to the jury, please, what the next
24 or the fifth factor is.

25 A. Sure. Beyond that, the next factor would be the

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1 deliberative collection and/or redistribution of terrorist
2 propaganda. That being video recordings, audio recordings,
3 magazines, or other materials which are produced by
4 terrorist organizations for the purposes of press coverage
5 and as well as recruitment.

6 Q. Why have you identified through your research and work
7 this as a criteria for looking at this type of evidence?

8 A. In recent years, as I've described previously, al-Qaeda
9 has had great difficulty in trying to directly recruit
10 people or most -- most jihadi groups have had difficulty
11 trying to directly recruit people because of the tremendous
12 law enforcement focus on those kind of efforts.

13 As a result, these groups have been forced to try to
14 indoctrinate and recruit people indirectly. Instead of
15 having recruiters go out there and directly find people,
16 they're forced to put out their propaganda, put out their
17 video recordings, and hope that people will self-recruit.

18 In other words, they'll see these video recordings or
19 audio recordings or magazines, and they'll take it upon
20 themselves to take those ideas and those philosophies and
21 methodologies and put them into action.

22 In other words, it's a way for them to, number one,
23 identify people who might be sympathizers or supporters of
24 them. It's a way of educating those people and getting them
25 on the right path, both ideologically and methodologically

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1 and a way of spurring those people into action and actually
2 causing those people to take action without ever receiving a
3 phone call from Osama bin Laden or Dr. al-Zawahiri or
4 another senior al-Qaeda leader.

5 Q. Over the past five years, or so, have you seen a change
6 or evolution in this type of effort or the manner in which
7 this material is collected or distributed?

8 A. Yes. In the past 12 years, there's been ex -- an
9 explosion of media from jihadi extremist groups, terrorist
10 groups, like al-Qaeda. In the beginning it was one or two
11 video recordings, one or two magazines, one or two
12 materials, but they're all in Arabic, which is the original
13 language of most of the original members of al-Qaeda, which
14 makes sense.

15 But in recent years both al-Qaeda, along with other
16 groups, like As-Sahab in Somalia, have begun aggressively
17 looking for Westerners, individuals from the United States,
18 Canada, the United Kingdom, to join these organizations.
19 The reason being is that these people have access, number
20 one, to financing channels, funding, money, that is not
21 available in a place like Afghanistan or Pakistan or
22 Somalia.

23 These individuals also bring with them skill -- a
24 skill-set or skill-sets that are not necessarily in great
25 supply in a place like Yemen or Afghanistan; i.e., computer

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1 skills, media skills, the skills that are necessary to make
2 new propaganda. And also there's a certain panache that
3 these groups have found in having English-speaking members,
4 particularly Americans, because in terms of their media and
5 their outreach, it makes them seem much more organized, much
6 more capable, much more effective, if they're even able to
7 bring in people from a completely different environment and
8 bring them into the group.

9 So, as a result, these organizations have increasingly
10 turned to producing propaganda that is not just in Arabic,
11 but is available in English, in Urdu, in a variety of other
12 languages, but, primarily in English, because of the fact
13 that there's such a wide variety of people that you can
14 reach out to by speaking English.

15 Q. How would one go about gathering or collecting this
16 type of material generally?

17 A. Generally speaking, this material is all released
18 through Internet websites that are run by or on behalf of
19 these terrorist organizations. There is a group of these
20 sites that are, again, social networking sites. They're
21 like bulletin boards.

22 In each of these sites there's one room which is
23 dedicated only to official propaganda from terrorist
24 organizations. Only authenticated couriers from these
25 groups can go in there and post new material. Anyone can go

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1 in and read it, but only the authenticated couriers can post
2 in there.

3 So if you want to get the latest video recording or
4 audio recording from a group like al-Qaeda or As-Sahab, or
5 AQAP in Yemen, the first place to go is the official place
6 that it's released through, which are these online social
7 networking forums.

8 Q. Can you explain to the jury what an encrypted file is
9 in the context of this type of media?

10 A. Several years ago, these organizations started having a
11 problem. They were uploading their media onto free file
12 hosting sites on the Internet and then they were advertising
13 them on the forums. But individuals, such as myself, were
14 finding these video recordings on these free file hosting
15 sites on the Internet before they were officially being
16 released.

17 So, in other words, we were getting access to these
18 propaganda items before these groups actually wanted to put
19 them out there, and they started getting very frustrated,
20 they started getting very angry about this, and they started
21 thinking about if they could thwart people like me or people
22 like --

23 MR. WAX: Your Honor, excuse me, if I could object
24 to "they started thinking." I don't believe this witness --

25 THE COURT: I'll sustain that.

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1 MR. WAX: Thank you.

2 THE WITNESS: They started arguing that in
3 order --

4 MR. WAX: Again, Your Honor, I object to
5 "they started arguing."

6 MR. KNIGHT: It's a factual statement, Your Honor.

7 MR. WAX: If there's a --

8 THE COURT: You can't testify to the mind-set of
9 another individual.

10 Why don't you rephrase your question?

11 BY MR. KNIGHT: (Continuing)

12 Q. Can you explain the difficulty with distributing files
13 that led to the encryption of these files?

14 A. Yes. Again, in order to prevent individuals from
15 grabbing these files early or for -- to prevent people from
16 getting access to them --

17 MR. WAX: Again, objection, Your Honor. I believe
18 it's the same response.

19 MR. KNIGHT: No, that's --

20 MR. WAX: In order -- in order to prevent --

21 THE COURT: Let me read it.

22 Overruled.

23 THE WITNESS: In order to prevent these files from
24 being released to people who weren't supposed to have them,
25 these groups started encrypting these files with very, very

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1 long, very complicated passwords, and so basically what
2 would happen is the file itself, if you got it, without
3 having the official press release where the file came from,
4 you wouldn't necessarily be able to open it. It would be an
5 encrypted file with a name you wouldn't be able to
6 understand, with a very, very long encryption password.

7 And the encryption password would then be included in
8 the press release that was posted on the forum advertising
9 the video.

10 So, in other words, if you downloaded the video, you
11 would have access to the press release with the unencryption
12 password. Once you download, you could then put the
13 password in and bring the video out and you could watch it.

14 But if someone was to look at your hard drive
15 afterwards and look at the stuff you downloaded, they would
16 just see an encrypted file with a weird name, and they
17 wouldn't be able to find out what was inside of there,
18 because the encryption password was so long and so complex
19 it almost defies being cracked by any contrary means.

20 BY MR. KNIGHT: (Continuing)

21 Q. In this specific case, did you see evidence of
22 encrypted files being accessed?

23 A. Yes.

24 Q. Can you briefly describe that to the jury, and then
25 later on we'll talk about the individual file itself.

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1 A. Yes. In conducting an analysis on the hard drive that
2 was seized from the defendant, I found an encrypted file of
3 which I immediately recognized the file name. I recognized
4 the file name because I had personally downloaded the exact
5 same file from an al-Qaeda online forum and had downloaded
6 that file because I had understood that to be an encrypted
7 al-Qaeda video, and I also had the unencryption password,
8 which I then used the unencryption password that was stored
9 in my database to open up the encrypted file and take the
10 video that was contained inside of it out and then viewed
11 it.

12 Q. What was the name of that particular video or sequence
13 of videos?

14 A. It's a segmented video, but the name of the video is
15 *Rappeling the Aggression*. It was produced by al-Qaeda in
16 the Arabian Peninsula in 2009.

17 Q. Thank you.

18 Again, speaking to the general topic of distribution of
19 collection of propaganda, Mr. Kohlmann, you had testified
20 that you're familiar with *Jihad Recollections*.

21 A. Yes.

22 Q. And, in your research and work and examination of other
23 cases, do you see *Jihad Recollections* and the articles from
24 it come up in those cases?

25 A. Yes. I have worked previously on other cases in which

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1 *Jihad Recollections* has been part of the seized evidence.

2 Q. And have you seen instances where this defendant's
3 writings are indeed collected or distributed elsewhere?

4 A. Yes. The writings that the -- which the defendant
5 allegedly published in *Jihad Recollections*, I have -- I have
6 encountered before in several different terrorism
7 investigations.

8 Q. Now, speaking of one of those specific articles, are
9 you familiar with a piece written by the defendant related
10 to as As-Sahab Media?

11 A. Yes, I am.

12 Q. You spoke a little bit about this in a context of
13 another segment on Friday afternoon, but when you're talking
14 about distribution of this propaganda, can you explain to
15 the jury the role that As-Sahab Media has?

16 A. Yes.

17 Each al-Qaeda franchise or each al-Qaeda faction has
18 their own official media wing. In other words, every single
19 official statement from the leaders of this group all come
20 through that one single media wing.

21 When it comes to al-Qaeda central branch in Afghanistan
22 and Pakistan, the branch, the branch that was founded by
23 Osama bin Laden and headed by Osama bin Laden until his
24 death, the name of their official media wing is known as
25 As-Sahab, which is A-S, dash, S-A-H-A-B, which, in Arabic,

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1 just means the clouds.

2 But since approximately 1999, 2000, every single video
3 regarding official video recording of bin Laden,
4 al-Zawahiri, all other al-Qaeda leaders in that region,
5 they're all put out through officially through Al-Sahab.

6 So, in other words, if a video comes out and is not
7 released by As-Sahab, that's not official or legitimate or
8 authentic. It's a way that they can make sure that when you
9 get something you know it's coming from the original source.

10 Q. Now I want to direct your attention more specifically
11 to some of the material you analyzed that relates to the
12 defendant in this case.

13 Mr. Kohlmann, are you familiar with a video known as
14 *Knowledge is for Acting Upon* or also *High Hopes*?

15 A. Yes.

16 Q. Can you briefly describe what that video is;
17 particularly part one of that video?

18 A. Yes. In September of 2006 al-Qaeda's As-Sahab Media
19 wing released a two-part video entitled *Knowledge is for*
20 *Acting Upon*. It's also sometimes known among jihadists as
21 *High Hopes*.

22 That's because when it was originally released, one of
23 the file names it was released under was highhopes adi.

24 The video purports to be al-Qaeda's retelling of the
25 events of September 11, 2001, from the perspective of

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1 al-Qaeda, which includes original testimonials from several
2 of 9/11 hijackers. It includes video footage of senior
3 al-Qaeda leadership figures, talking about 9/11, explaining
4 the logic behind 9/11, explaining the planning behind 9/11.
5 It also features video footage from al-Qaeda training camps
6 showing what the video purports to be: Individuals
7 preparing to carry out the September 11th, 2001, terrorist
8 attacks.

9 Q. And in this specific case, in reviewing the evidence,
10 did you see evidence of the playing or distribution of this
11 video, particularly part one?

12 A. Yes.

13 Q. And where do you see that in the case?

14 A. In reviewing the communications -- I should say
15 reviewing the conversations, the recorded conversations
16 between the undercover -- the undercover -- the undercovers,
17 I should say, in this case, with the defendant, at one point
18 during their interactions the defendant played for the
19 undercover a copy of *Knowledge is for Acting Upon*.

20 I recognize this because of the fact that I could
21 actually hear *Knowledge is for Acting Upon* playing in the
22 background, and I was able to match up what was playing with
23 the video itself. Part one of the video.

24 MR. KNIGHT: Thank you. At this time, Your Honor,
25 I would offer Exhibit 233, which is, in fact, *Knowledge is*

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1 *for Acting Upon.* Part one. The Court has already ruled on
2 its admissibility. The expectation is at this point to play
3 three short segments to the jury?

4 THE COURT: Any objection?

5 MR. WAX: We have stated our positions previously,
6 Your Honor.

7 THE COURT: All right. It will be received.

8 BY MR. KNIGHT: (Continuing)

9 Q. At this time, Mr. Kohlmann, we'll play three short
10 segments to the jury. We'll play them in sequence and ask
11 you some questions afterwards.

12 First, to give a little context, how long is part one
13 total?

14 A. I think the total is close to 60 minutes. It's a very
15 long video.

16 Q. We only have a few minutes to play; but, again, we're
17 going to play these in sequence and then discuss them. So,
18 first, this is segment one of Exhibit 233.

19 (Video Exhibit 233 played for the jury.)

20 MR. KNIGHT: Thank you, Mr. Kohlmann. We'll play
21 the second segment of the longer video.

22 (Video Exhibit 233 played for the jury.)

23 MR. KNIGHT: And, finally, Mr. Kohlmann, we have
24 one short segment from the longer video.

25 (Video Exhibit 233 played for the jury.)

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1 BY MR. KNIGHT: (Continuing)

2 Q. Thank you, Mr. Kohlmann.

3 You had already testified to the jury that this is a
4 lengthier segment and that you recognized that in the
5 interactions between the undercovers and the defendant.

6 First, can you explain to the jury what, if any, this
7 particular video has in significance compared to many other
8 propaganda videos that are made?

9 A. This is arguably one of the most famous videos that was
10 ever put out by As-Sahab, based on the length of the video,
11 the content of the video, and the people that are
12 interviewed in the video.

13 The video contains the first known footage of bin Laden
14 and several other al-Qaeda leaders meeting with the alleged
15 ring leaders behind the September 11, 2001, terrorist
16 attacks. It includes never-before-seen footage of al-Qaeda
17 training camps. And it also includes never-before-seen
18 footage of al-Qaeda senior leaders discussing other
19 terrorist attacks that have targeted the United States,
20 including the October 2000 bombing of the USS Cole and the
21 August 1998 bombing of two U.S. Embassies in East Africa and
22 Nairobi and Dar Es Salaam.

23 So this was really a very eye-opening picture into what
24 was going on in al-Qaeda training camps between
25 approximately 1995 and 2001 and unforeseen, and it's

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1 a -- it's taken on a -- a great amount of interest in the
2 jihadi community. It's been reposted over and over again on
3 jihadi websites. A very popular video.

4 Q. In taking a step back for a moment, can you explain,
5 based on your research methodology and everything you've
6 looked at, why you've identified the collection or
7 distribution of this material as a factor in your research,
8 when, in fact, of course there's nothing wrong with simply
9 reviewing this material or collecting it?

10 A. No, there's certainly nothing wrong with viewing
11 terrorism media. I'm sure a lot of people do it who are not
12 terrorists; but, to put it simply, you can't join al-Qaeda
13 these days or a terrorist group, like As-Sahab or something
14 like that, if you haven't first seen their propaganda or if
15 you haven't first seen their videos.

16 These groups are pretty explicit about it; that they're
17 putting these videos and these audio recordings and these
18 magazines out there so that people can follow their path.
19 People can take this material and induct themselves into the
20 ranks of extremism.

21 So while it's -- it's certainly -- you know, possessing
22 a video, one video or two videos on your computer, or
23 watching one video or two videos certainly doesn't make you
24 a terrorist, if you have someone who's deliberately
25 collecting many, many of these videos or is redistributing

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1 many, many of these videos or has an encyclopedic knowledge
2 of many, many of these videos or audio recordings or
3 magazines, that certainly is a warning sign that we look at,
4 because for us it's difficult to understand why someone
5 would have that degree of a passionate interest outside of
6 an academic environment, outside of a scholarly environment,
7 outside of a university setting where there's some kind of
8 formal study ongoing.

9 Q. Thank you.

10 On Friday you testified a little bit about the
11 publications *Jihad Recollections* and *Inspire*. Do you recall
12 that?

13 A. Yes.

14 Q. Could you provide to the jury -- we've heard a lot
15 about those two. But based on your training and experience
16 in this area, the relationship, in more detail, of *Jihad*
17 *Recollections* to *Inspire* and the role that *Inspire* has
18 played in this context?

19 A. Based upon my research and my discussions with other
20 experts in the field, my understanding of the relationship
21 between *Jihad Recollections* and *Inspire* is that *Jihad*
22 *Recollections* was almost like a beta version of *Inspire*. It
23 was -- it was a version -- it was nascent version of
24 *Inspire*.

25 What happened was simply that when Samir Khan, the

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1 creator, the -- I guess you could call him the genius behind
2 *Jihad Recollections*, traveled to Yemen to join al-Qaeda in
3 the Arabian Peninsula, al-Qaeda in Yemen, they liked his
4 product so much that they suggested to him, "Look, you can
5 sharpen this up a little bit. You can add more direct
6 content from us, bomb-making instructions and that kind of
7 thing, and then we can rerelease this as *Inspire*, as *Inspire*
8 magazine.

9 And if you look at the two magazines side by side, they
10 are remarkably the same. The typesets are very similar.
11 The graphics are almost identical. The way that the
12 magazine was put together was almost identical. The main
13 difference between *Jihad Recollections* and *Inspire* is that
14 *Inspire* magazine had the benefit of having actual al-Qaeda
15 operatives occasionally contribute an original article for
16 the magazine, as well as the fact that some of the training
17 material was amped up. It went from being physical
18 training, doing pushups and whatnot in *Jihad Recollections*,
19 to *Inspire*, where it was actually telling you, "Here's how
20 you put together a bomb. Here's how you create explosives.
21 Here's how you can murder people en masse." But one is
22 really just a beta version of the other. If you look at the
23 two magazines side by side, it's fairly clear they come from
24 the same -- the same origin.

25 Q. Thank you.

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1 And turning, again, to the assessments or material
2 found in possession of this defendant, you had mentioned a
3 moment ago to the jury about *Rappeling the Aggression* video.

4 Now, first of all, we're going to play a very short
5 segment of that in a moment here. Could you explain the
6 significance or role of that encrypted video in the larger
7 context of this global jihadi movement you have described
8 for the jury?

9 A. Yeah. It was one of approximately ten videos that AQAP
10 released that year. The video itself addressed issues like
11 U.S. drone strikes in Yemen and what the appropriate
12 response would be from al-Qaeda, including from individuals
13 such as Anwar Al-Awlaki, who was featured in the video
14 discussing specifically what the proper response should be
15 to U.S. drone strikes. The video has been widely
16 distributed. It's been widely viewed, in the jihadi sphere
17 anyway. And, again, it's a fairly well-known video among
18 the AQAP library.

19 MR. KNIGHT: Thank you.

20 At this point, Your Honor, I would like to play a
21 three-minute segment of Exhibit 237 which has been
22 previously reviewed by this Court, and I'm going to offer
23 that at this time.

24 THE COURT: All right. Mr. Wax?

25 MR. WAX: Our position has previously been stated,

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1 Your Honor.

2 THE COURT: All right. It will be received.

3 MR. KNIGHT: Mr. Kohlmann, we'll simply play the
4 last three minutes. I believe most of the audio is in
5 Arabic, so we'll take a look at this, and I'll have some
6 questions for you.

7 (Video Exhibit 237 played for the jury.)

8 BY MR. KNIGHT: (Continuing)

9 Q. Thank you. Mr. Kohlmann, briefly, the media outlet,
10 again, who produced that particular video is?

11 A. It's known as Al-Malahem, which is A-L, dash,
12 M-A-L-A-H-E-M, which is the official media wing of al-Qaeda
13 in the Arabian Peninsula. AQAP. Al-Qaeda's official branch
14 in Yemen.

15 Q. Thank you.

16 And my final questions in the context of this
17 particular prong of your analysis relate to the defendant's
18 work on *Jihad Recollections*.

19 Mr. Kohlmann, you testified a little bit about this,
20 but are you familiar in this case with the defendant's
21 contents -- or contacts with Mr. Samir Khan?

22 A. Yes, I am.

23 Q. And we have talked at some length about the context of
24 *Jihad Recollections*, but have you considered the defendant's
25 role in editing or looking at those particular publications?

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1 A. Yes, I have.

2 Q. And can you quantify or contextualize for us the
3 defendant's role in this case in editing or contributing to
4 those publications?

5 A. Based on the emails that I reviewed, the defendant
6 appeared to have taken an active role, not just in
7 contributing material to the magazine, but then in preparing
8 what could best be described as after-action reports on what
9 he believed were the most effective sections of *Jihad*
10 *Recollections*, on what parts would have greatest benefit for
11 the mujahideen or fighters in places like Yemen and
12 elsewhere; about what was -- what was best for the cause of
13 jihad.

14 He specifically expressed a great deal of thanks to the
15 other contributors and he said they were the greatest team
16 he had ever worked with.

17 Q. And in your research, experience, and examination of
18 these publications and others, do you frequently see or have
19 you seen that level of editorial involvement?

20 A. I've never actually come across another case where
21 involving some -- other than Samir Khan, involving someone
22 who's a known contributor to *Jihad Recollections*.

23 Q. Thank you.

24 I want to direct your attention now to the final prong
25 of your analysis in this type of evidence and this type of

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1 case. Can you tell the jury what that is?

2 A. The final prong would be visiting websites which are --
3 or social networking forums which are run for or on behalf
4 of terrorist organizations or extremist groups.

5 Q. Why have you identified this as a separate prong,
6 separate from the one we just discussed, in looking at, in
7 context, this sort of evidence in this sort of case?

8 A. Right. Well, the significance of this is that if you
9 are a self-recruiting extremist, if you're trying to
10 self-recruit, very often you will have questions. You will
11 want to seek others out who may have similar capabilities or
12 similar interests.

13 And, in fact, this is what ended up happening is that
14 individuals who coalesce on these forums start putting
15 together their own virtual networks. They start pooling
16 resources. You have one individual who knows a little bit
17 about explosives. You have one individual who's very
18 knowledgeable about communications. And while each of these
19 individuals separately may not be able to carry out an
20 attack or a violent attack or travel to a jihadi conflict
21 zone on their own, by pooling resources together, these
22 individuals have discovered that they can actually
23 accomplish something. They can put together a functioning
24 cell.

25 And, in fact, individuals have done this. There have

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1 been a number of individuals who have actually attempted to
2 carry out terrorist attacks after having met each other
3 entirely over the Internet and have -- having only met each
4 other face to face very, very long afterwards.

5 So when you see individuals that are gathering on these
6 forums and -- or spending an inordinate amount of time on
7 these forums, not only do they have access to the
8 propaganda, all the video recordings being put out by
9 al-Qaeda, all the magazines, et cetera, but on top of it
10 there's the social networking aspect. The aspect that
11 they're actually able to meet people and to interact.

12 So when you see someone who has a particular interest
13 and is trying to interact -- aggressively interact on these
14 forums, that's an indication that this person is not just a
15 casual observer, this person is not just a curious person,
16 but this person is looking to -- to self-recruit. The
17 person is looking to induct themselves into this world.

18 Q. And by way of background, again, could you first
19 explain to the jury how some of the forums or chat rooms
20 that we'll talk about shortly actually work?

21 A. Sure.

22 Q. If one were to go on their computer, how would these be
23 functioning?

24 A. These forums basically all look like bulletin boards
25 with different rooms. Each room is dedicated to a different

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1 thing. On those forums you'll have one room which is
2 dedicated just to jihadi propaganda. Again, for the most
3 part, only official couriers from terrorist groups can post
4 in that room.

5 Then you'll have a room about Islam. Then you'll have
6 a room about preparation; in other words, people sharing
7 ideas about how you can build bombs or how you can travel
8 abroad or how you can carry out an attack at home.

9 You have another room dedicated to technology; how to
10 secure your identity on the Internet, how to anonymize your
11 Internet traffic. How to not be detected by law
12 enforcement.

13 So there's different rooms dedicated to different
14 things.

15 Also, it should be understood in the forums, in
16 general, there's a range of forums. There are some forums
17 that are very, very hard-core, top-tier al-Qaeda or
18 terrorist web forums. And then you have other forums out
19 there which, you know, they may have some people on there
20 who may espouse some jihadi ideas, but those forums are not
21 known as the great coalescing points where people that are
22 violent, dangerous extremists.

23 So it's to be understood there's a range of forums and
24 a range of content within those forums.

25 Q. And can anyone just get on or access to these forums,

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1 or is there something you have to do to get in there?

2 A. It depends on the forum. Some forums allow visitors to
3 be able to browse openly, so you don't have to be a
4 registered user, just as a visitor you can go on and browse
5 messages.

6 Other forums require that even if you just want to just
7 read a message, even if you want to view a video or download
8 a video, you must register. You must create a username and
9 a password on these forums, and your application for
10 membership must be approved by the administrators on those
11 forums.

12 Now, naturally, if you want to post a message, in other
13 words, if you want to interact and actually talk to people,
14 you must almost invariably register an account, a username
15 and password, and that must be approved by the people -- the
16 administrators, the people who run the forum.

17 Q. Thank you.

18 And in this case, Mr. Kohlmann, did you discover,
19 through your database, activity you attributed to the
20 defendant on roughly six of these forums?

21 A. Yes, I did.

22 Q. And can you -- before we go into specifically what
23 those forums are and the activity you were able to observe,
24 can you give us a time line or some context as to the amount
25 of activity and the time period during which it took place?

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1 A. Yes. In -- well, I believe it was primarily between
2 2008 and 2010, but I did discover that the defendant had
3 apparently had registered accounts on several different
4 forums, some of which were top-tier al-Qaeda or terrorist
5 web forms, some were lower down or generic forums, but that
6 the defendant had posted a number of messages on these
7 different forums.

8 It wasn't thousands of messages, but in several cases
9 he had posted between five and ten messages on these forums
10 and that he interacted with people on the forums as a
11 result.

12 Q. Thank you.

13 I'll turn your attention specifically to some of these
14 forums. First, are you familiar with the forum that goes by
15 the acronym AMEF?

16 A. Yes.

17 Q. Can you tell the jury what that is?

18 A. Yes. AMEF stands for Ansar Al-Mujahideen English
19 Forum. Ansar, A-N-S-A-R, A-L, dash, M-U-J-A-H-I-D-E-E-N.

20 Asnar al-Mujahideen in Arabic mean the supporters, or
21 the partisans of the mujahideen. In other words, the people
22 that are supporting people who are carrying out violent
23 jihad.

24 This forum was specifically -- it's all in English. It
25 was specifically created for English-speaking jihadi

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1 supporters living in western countries.

2 It is, arguably, the most important and the most real
3 English language al-Qaeda forum out there. The forum has
4 included in its membership official representatives of
5 groups like the Pakistani Taliban.

6 And, in fact, when the Pakistani Taliban claimed
7 responsibility for a failed car bombing in New York in 2010,
8 they posted claims of responsibility for that bombing in two
9 places. YouTube and the Ansar Al-Mujahideen English forum.

10 Q. And did you see specifically in your research and
11 investigation in this case evidence that the defendant had
12 been on this forum?

13 A. Yes, I did.

14 Q. And could you briefly characterize to the jury the time
15 period during which this occurred and what you saw?

16 A. I have to review my notes to be sure, but I believe it
17 was between 2008 and 2010.

18 Q. And do you recall or do you remember material that
19 suggested the defendant had specifically applied for
20 admission onto this forum?

21 A. I believe that he had read messages. I can't recall
22 whether or not he applied for membership.

23 Q. I want to turn your attention to another forum, and
24 eventually we'll talk more specifically about some posts
25 known as JHUF. Could you tell the jury what that forum is?

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1 A. JHUF stands for the Jamia Hafsa Urdu Forum. Jamia is
2 J-A-M-I-A, Hafsa H-A-F-S-A, Urdu U-R-D-U, forum.

3 The Jamia Hafsa Urdu Forum, JHUF, is arguably the most
4 important Urdu language jihadi forum on the Internet. Urdu
5 is the official language spoken in Pakistan.

6 However JHUF, as we call it, has many users to speak in
7 English. So, actually, most of the content, really on the
8 site, is in English. Although, there's a substantial piece
9 that is in Urdu.

10 Jamia Hafsa is the official forum of something known as
11 al-Qaeda's 313 brigade in Pakistan. This is an official
12 unit of al-Qaeda active in Pakistan, which was headed by
13 someone named Mohamed Ilys Kashmiri. Mohamed, Ilys,
14 I-L-Y-S, Kashmiri K-A-S-H-M-I-R-I. Kashmiri was killed in a
15 drone strike approximately a year and a half ago.

16 Al-Qaeda's 313 brigade has carried out a number of
17 high-profile terrorist attacks inside Pakistan, including
18 attacks on western hotels, on Pakistani Government
19 officials, and a variety of other targets.

20 Jamia Hafsa, again, it's -- I think to put it -- put
21 the conclusion, it's the most important Urdu language jihadi
22 forum on the web.

23 Q. In researching your own database did you see activity
24 or postings that you attributed to this defendant in that
25 particular forum?

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1 A. Yes, I did.

2 Q. And do you recall specifically or generally when that
3 occurred or what those were?

4 A. I think it was in 2009, and the forum -- the posting
5 was regarding Osama bin Laden. Specifically about -- I
6 forget which context of it was talking about Osama bin
7 Laden.

8 Q. Thank you.

9 And briefly, before we turn to one of the more
10 substantive areas in this line of questioning, do you know a
11 forum called the Deen al-Haq forum?

12 A. Yes.

13 Q. And, briefly, what was that? And did you see the
14 defendant active on that forum?

15 A. Yes. Deen al-Haq is, again, arguably the most
16 importantly jihadi forum on the Internet that's in Pashto.
17 Pashto is one of the languages that is spoken in
18 Afghanistan. It is the language that is spoken
19 predominantly in southeastern and southern Afghanistan,
20 along the border with Pakistan.

21 So the areas of greatest conflict activity in
22 Afghanistan, most of the people there speak Pashto.

23 But like Jamia Hafsa, Deen al-Haq, a lot of the
24 interactions taking place in Deen al-Haq were actually in
25 English. Many of the members only speak in English. Most

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1 of what was going on was in English. Although, there was
2 some Pashto material.

3 Deen al-Haq is a password-protected forum. It requires
4 a login and password to access it. And, once again, what is
5 being discussed in there, jihadi propaganda is being posted
6 on there. People are talking about violent acts. People
7 are talking about support for attacks on the United States.

8 Q. Thank you.

9 And did you examine, again, in the course of your own
10 research, some activity by the defendant on that forum?

11 A. I did.

12 Q. To clarify, when we talk about your own research, you
13 earlier testified about your database. Are the forum
14 postings that you identified and are talking about things
15 that you found that you did not separately see generally in
16 the discovery provided to you by the U.S. Attorney's Office?

17 MR. WAX: Objection.

18 THE COURT: It's a leading question.

19 BY MR. KNIGHT: (Continuing)

20 Q. Did you see this material elsewhere?

21 A. No. No. This material was -- I retrieved it myself.

22 Q. Thank you.

23 I want to turn to the next specific forum,
24 Mr. Kohlmann. Are you familiar with Dawn of the Ummah?

25 A. Yes.

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1 Q. And can you tell the jury what that particular forum
2 is?

3 A. Dawn of the Ummah, otherwise known as DWTU, is a
4 now-defunct English language jihadi forum that was active
5 between approximately 2009 and 2011.

6 Dawn of the Ummah was password protected. It required
7 a username and password to access it. And it specifically
8 was created because of the fact that the administrators kept
9 trying to post jihadi propaganda on YouTube, terrorist
10 videos, and the videos kept getting removed by YouTube,
11 because YouTube said it was a violation of their terms of
12 service.

13 As a result, these individuals created this forum so
14 that they could distribute the propaganda to others without
15 having to mess with YouTube or the regulations on YouTube
16 that would prevent the distribution of terrorist propaganda,
17 specifically to an English language audience.

18 Q. The case of Dawn of the Ummah, did you see a number of
19 specific posts attributed by this defendant?

20 A. Yes. I recovered a number of pieces that were posted
21 by the defendant on Dawn of the Ummah.

22 Q. We'll take a look at a few of those at this point.

23 Now, at this time I'd like you to take a look at
24 Exhibit 258 for the witness only. Pages Bates 498 and 499.
25 Please let me know when you have a chance to look at that

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1 page, and then we'll turn to the second page.

2 A. I have, yes.

3 Q. Look at the next page.

4 A. Yes.

5 Q. And if you could briefly describe, please, what this
6 particular post is and if there's a statement you see
7 attributed to the defendant there.

8 A. This posting is a reaction to a news article about the
9 fact that another online jihadist had suggested that in
10 order to thwart FBI counterterrorism efforts that those who
11 support jihad should go and leave suspicious packages with
12 wires hanging out or with suspicious substances in various
13 different locations in order to waste the time of the FBI,
14 in order to send the FBI on wild goose chases and in order
15 to create a sense of hysteria. And then the defendant then
16 appears to add a comment on the bottom.

17 MR. WAX: Objection. That cannot be within his
18 knowledge, Your Honor.

19 THE COURT: I -- I agree with that. Sustained.

20 THE WITNESS: Okay. There's a comment posted on
21 the bottom.

22 MR. KNIGHT: Can I ask a question to establish --

23 THE COURT: You can ask a question, a background
24 question.

25

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1 BY MR. KNIGHT: (Continuing)

2 Q. Thank you. Mr. Kohlmann, you reviewed this post?

3 A. Yes.

4 Q. Are you familiar with posts similar to this?

5 A. Yes.

6 Q. Are you familiar with the process of posting and
7 reacting to posts on Internet forums?

8 A. Yes.

9 Q. And in this particular post is there a news article?

10 A. Yes, there is.

11 Q. And is there a comment at the end of the news article?

12 A. Yes, there is.

13 Q. Does the comment appear to be separate from the article
14 itself?

15 MR. WAX: Objection.

16 THE COURT: What's the basis for the objection?

17 MR. WAX: He can have no basis of knowledge of
18 that, Your Honor.

19 THE COURT: He's looking at the article and the
20 content.

21 MR. WAX: I appreciate that. There's no basis.

22 THE COURT: Overruled.

23 THE WITNESS: It does not appear to be -- yeah, it
24 appears that's a separate comment. It does not appear to be
25 part of the article.

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1 BY MR. KNIGHT: (Continuing)

2 Q. Is this particular post attributed to an individual or
3 a pseudonym you have identified belonging to the defendant?

4 A. Yes. It's attributed to username Ibnulakwa, which I
5 understood from materials provided in discovery, that that
6 was a username registered by the defendant.

7 MR. KNIGHT: Now, at this time, Your Honor, I
8 would like to offer this segment of 258. I believe a
9 foundation has been laid. It's a statement attributed to
10 the defendant. It could arguably be the defendant's, and
11 before I have the witness read it, I would like to offer it.

12 MR. WAX: I have some questions in aid of
13 objection, Your Honor.

14 THE COURT: Go ahead.

15 MR. WAX: Mr. Kohlmann, the article here appears
16 to be cut-and-pasted from some other place?

17 THE WITNESS: Yeah. That's correct, yes.

18 MR. WAX: You do not know whether the article,
19 when it was cut-and-pasted, had that last paragraph on it,
20 do you?

21 THE WITNESS: I reviewed this article when it was
22 posted. I don't recall that comment being on the bottom.
23 It's been a while, so it's possible, but it doesn't fit the
24 rest of the article.

25 MR. WAX: You do not know whether some other

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1 person on some other aspect of the posting had added that
2 paragraph at the end; correct?

3 THE WITNESS: It's possible, correct.

4 MR. WAX: I object, Your Honor, to its admission.

5 THE COURT: Sustained.

6 MR. WAX: Thank you.

7 BY MR. KNIGHT: (Continuing)

8 Q. All right. Thank you.

9 I'll go down, if we can, to Exhibit 231, Bates pages
10 10177 and 10178.

11 Are you familiar with these two pages?

12 A. Yes, I am.

13 Q. And can you briefly describe, please, before they're
14 offered, what these are?

15 A. This appears to be a list of individuals who have,
16 quote, offended Allah and his messenger, or who have
17 insulted or attacked Islam. These individuals appear to
18 be -- or include, I should say, a number of Danish nationals
19 or European nationals, or Dutch nationals who have been
20 responsible for either drawing or republishing cartoons
21 which were deemed offensive to Islam because they lampooned
22 the Prophet Muhammad.

23 You also have on here people like Anders Rasmussen, who
24 is the head of NATO, who's a Dane. And of course
25 Pope Benedict is on this list. But, again, primarily these

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1 are Europeans, primarily northern Europeans involved in the
2 distribution or publication of cartoons lampooning the
3 Prophet Muhammad.

4 Q. Thank you.

5 By way of explanation, do you recall, Mr. Kohlmann,
6 previously providing testimony about the significance of
7 this issue and these individuals in the context of the
8 global jihadi movement as you described it?

9 A. Yes.

10 Q. And, specifically, is there a username and a date
11 attributed to this post?

12 A. Yes.

13 Q. First of all, please tell us what the username and date
14 are.

15 A. The username attributed to this post is ibnulakwa and
16 the date of this post was June 24th, 2009, at 1:26 p.m.

17 Q. Are there subsequent posts by this username related to
18 this same list?

19 A. There are, yes.

20 Q. Do they provide additional information about the intent
21 or purpose of this list?

22 A. They do, yes.

23 MR. KNIGHT: Your Honor, I would like to offer
24 Exhibit 231, Bates 10177 and 10178. I did not have the
25 witness read it. There could be more information provided

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1 related to its probative value, but I didn't think it was
2 appropriate before receiving it.

3 THE COURT: Mr. Wax, any objections?

4 MR. WAX: No, Your Honor. Thank you. Not beyond
5 what has been previously stated.

6 THE COURT: Received.

7 MR. KNIGHT: Thank you. At this time we'll
8 publish this to the jury.

9 BY MR. KNIGHT: (Continuing)

10 Q. If you would, please, Mr. Kohlmann, I would like you to
11 read for the jury the first paragraph that has been
12 highlighted.

13 A. Yes. The title of the paragraph is Islam's Most Wanted
14 List.

15 Assalamu Alaykum, brothers and sisters. I'm working on
16 a huge project to et names down who have offended Allah and
17 his messenger and who have insulted or attacked Islam. Just
18 like the FBI has a list, I wanted to collect all the names
19 of those Denmark cartoonists, presidents, interior
20 ministers, et cetera. I'll give you an example. Here are
21 some of what I have, ops, everyone post a -- ops is
22 operators -- everyone post a bunch of names. I want to make
23 a long list and inshallah alphabetize them. Black list.

24 Q. Thank you.

25 And if we can review, then, the next page of what has

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1 just been received, Exhibit 231, 10178, and do you see
2 another follow-up post related to the list?

3 A. Yes.

4 Q. And if we can just look specifically at that and if you
5 can read that to the jury?

6 A. Yes. This posting is from 5:02 p.m. on the same day.
7 Also from user ibnulakwa.

8 I wanted to publish it just to put it out there
9 inshallah -- in Arabic that means God willing -- I'll put a
10 disclaimer on it, but anyone can do with it whatever they
11 please.

12 Q. Thank you.

13 At this time, Mr. Kohlmann, I want to direct your
14 attention, for the witness only, to Exhibit 231, Bates
15 10011. And specifically to a posting in the middle of the
16 page. Mr. Kohlmann, do you recognize that?

17 A. I do, yes.

18 Q. And if you could please, again, look at the username
19 and identify that.

20 A. Yes. The username, once again, here is ibnulakwa.

21 Q. The date and time of posting, please?

22 A. August 11, 2009, at 10:10 a.m.

23 MR. KNIGHT: Thank you. At this time I would like
24 to offer this into evidence, Your Honor. I believe the
25 content is self-explanatory, but before I have him read it

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1 to the jury --

2 THE COURT: Is this 231 you're offering?

3 MR. KNIGHT: 231, yes.

4 THE COURT: Any objection?

5 MR. WAX: Is the only portion that's being offered
6 the piece in the middle?

7 MR. KNIGHT: Yes. Well, yes. I mean, yes.

8 MR. WAX: That's all that will be shown to the
9 jury?

10 MR. KNIGHT: We can enlarge that and show it to
11 the jury.

12 MR. WAX: No objections beyond what has been
13 previously noted.

14 THE COURT: It will be received. At least
15 received as indicated.

16 BY MR. KNIGHT: (Continuing)

17 Q. Thank you. Published to the jury the segment you
18 already identified by date and time, Mr. Kohlmann, can you
19 read that posting to the jury?

20 A. Yes. Part of winning the war is not let the West
21 brainwash you into just going with whatever they -- this is
22 a very important concept. You are not on the ground to say
23 really what is going on. Even having relatives who live
24 there is not enough. You must experience the jihad for
25 yourself to truly understand the many faces of this war, so

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1 go and learn.

2 Q. Thank you.

3 Mr. Kohlmann, you just identified a few posts.

4 To give us some idea of volume for this site and the
5 others you've identified, could you tell us, roughly, how
6 many posts in the time period you've identified -- you
7 identified or attributed to the defendant and his username?

8 A. I believe I recovered a total of approximately 20
9 postings or more. I would have to check again my notes, but
10 it's -- there were a substantial number of postings.

11 Q. And would those postings often be the same thread and
12 repeated postings?

13 A. Yes. Some of those postings would be in the same
14 message thread in which the defendant would simply reply
15 multiple times within the same thread.

16 Q. To quantify that more, what does that mean if someone
17 is replying multiple times to the same thread?

18 A. It would suggest that the person is, number one, very
19 interested in the conversation; but, number two, that the
20 person is paying very close attention to the forum and is
21 logging into the forum over and over again in a very short
22 space of time.

23 Q. Does that mean only 20 visits to the forum?

24 A. No. That would suggest many more than 20 visits.
25 Especially, if you're able to issue replies multiple times

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1 within a day, it means you're logging in at least several
2 times a day.

3 Q. Thank you.

4 And were you looking at only Dawn of the Ummah when you
5 specifically talk about that number of postings, or is that
6 a reference to all six forums you examined?

7 A. That's primarily Dawn of the Ummah. If you include the
8 other postings, I think that goes up substantially.

9 Q. Thank you.

10 And briefly we talked about contents of Dawn of the
11 Ummah. Are you familiar with forums -- a forum known as
12 islamicawakening.com?

13 A. Yes.

14 Q. Can you explain to the jury what that particular forum
15 is?

16 A. Islamicawakening is a forum -- an English language
17 forum about Islam. It does tend to gather people that are
18 fairly conservative about Islam, people who have
19 conservative political beliefs about Islam, but it is not
20 explicitly a jihadi forum. There is, however, a room within
21 islamicawakening which is dedicated to politics in jihad.

22 You tend to get some people in there who have fairly
23 stringent views about jihad and about mujahideen; however,
24 this is not, generally speaking, a forum that is known as
25 being a major beacon for violent extremists or people that

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1 are violent.

2 Q. Thank you.

3 And do you recall seeing some activity attributed to
4 this defendant on that forum?

5 A. I did, yes.

6 Q. And, specifically, did you recall seeing a posting or
7 postings attributed to the defendant that contains some
8 content?

9 A. Yes.

10 Q. Could you describe that for the jury?

11 A. Yes. The defendant posted or appeared to have posted
12 or an account registered by the defendant appeared to have
13 posted a number of messages including everything from humor,
14 off-color humor about religious minorities, to statements
15 about jihad and the mujahideen, also including poetry, poems
16 that I -- I identified as having also been included in the
17 discovery evidence.

18 Q. And do you particularly remember a posting attributed
19 to the defendant of a poem that has already been admitted
20 into evidence captioned *Dear Martyr whose Story I Should*
21 *Tell?*

22 A. Yes. That was posted on islamicawakening.

23 Q. Can you describe for the jury, based on your review of
24 the material, what happened when that was posted?

25 A. Shortly after the account registered by the defendant

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1 posted that poem, the message was removed. The message was
2 frozen by administrators on the forum.

3 The administrator posted a response -- or emailed a
4 response over the forum to the defendant's account. I
5 recovered that message with the discovery. The defendant
6 was advised or the defendant's account was advised by the
7 administrators on the forum that the message was in
8 violation of the rules on islamicawakenings. Specifically,
9 it violated a rule that nobody is supposed to post material
10 that recruits or incites people to carry out a terrorist
11 act.

12 Q. Thank you.

13 And in the larger context of these forums, did you also
14 see some activity by the defendant attributed to him on
15 ummah.com?

16 A. Yes. The defendant also appeared to have posted
17 messages on ummah.com.

18 Q. What is ummah.com?

19 A. Ummah.com is very similar to islamicawakening. It's a
20 site where you do get people with conservative views of
21 Islam, but it's not explicitly a site about jihad. It's not
22 explicitly a site where you have a lot of violent jihadists
23 gather. You have some people gather there, but it's in all
24 English, the English language.

25 Q. Thank you.

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1 Again, with respect to the time period during which
2 these posts occurred, do you have a recollection as to when
3 items were posted on ummah.com?

4 A. Yeah, I believe it was 2009.

5 Q. Thank you.

6 Now, Mr. Kohlmann, we reviewed your analysis of your
7 material in this case as it relates to the six factors. Is
8 it your opinion that the evidence you reviewed and testified
9 to in this case, as it relates to these six factors -- is it
10 your opinion that the evidence you reviewed and testified to
11 in this case falls into or is indicative of all six factors
12 you've described to this jury and identified in your
13 research?

14 A. I did see evidence of all six factors. That's correct.

15 MR. KNIGHT: Thank you. I have no further
16 questions for this witness, Your Honor.

17 THE COURT: All right. Cross-examination.

18 Well, first, let's have the jury stand up and stretch.

19 MR. WAX: Your Honor, might I suggest we take the
20 morning break at this time? It might enable me to shorten
21 cross-examination somewhat.

22 THE COURT: Well, given that representation, I --

23 MR. WAX: I did say "might."

24 THE COURT: We'll take a 15-minute break, then,
25 until 20 after. Okay.

Kohlmann - D/X

1 (The jury panel leaves the courtroom.)

2 (A recess was taken.)

3 (The jury panel enters the courtroom.)

4 DEPUTY COURTROOM CLERK: All rise.

5 THE COURT: You may be seated. I have a note here
6 indicating the jurors would like to say something before we
7 begin. Yes?

8 A JUROR: Your Honor, on behalf of the jury, we
9 want to wish you a Happy Birthday.

10 THE COURT: Somebody told. Well, all right.
11 It's -- it's better to keep having birthdays even if you are
12 getting old.

13 Okay. Thank you. All right. We would like to start
14 then.

15 MR. WAX: Thank you, Your Honor.

16

17 CROSS-EXAMINATION

18 BY MR. WAX:

19 Q. Mr. Kohlmann, you began working at the investigative
20 project as an intern while you were a student at Georgetown?

21 A. That's correct, yes.

22 Q. What year was that, sir?

23 A. That was in February of 1998.

24 Q. How old were you?

25 A. At the time I was 18 years old.

Kohlmann - X

1 Q. You graduated from Georgetown in what year?

2 A. I graduated from Georgetown in May of 2001.

3 Q. You were how old?

4 A. At the time I graduated, I believe 21 or 22.

5 Q. You described the degree and certificate that you have.

6 You did not either major or minor in psychology?

7 A. No. That's correct. I did not.

8 Q. You went into law school right after college?

9 A. Correct.

10 Q. You have not at any point obtained a master's degree in
11 any of the social sciences?

12 A. Correct.

13 Q. You have no formal training in statistics at the
14 graduate level?

15 A. Correct.

16 Q. And you have no doctoral degree in any field relevant
17 to the study of international terrorism?

18 A. Correct.

19 Q. You're not an Islamic scholar?

20 A. I wouldn't characterize myself as such, no.

21 Q. You do not teach full time as a faculty member at any
22 university?

23 A. No, I do not.

24 Q. You've written one book you described, and that was
25 published in 2004?

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1 A. That's correct, yes.

2 Q. You have never worked as a regular employee for any of
3 the government intelligence agencies?

4 A. No. That's -- just as a consultant. That's correct.

5 Q. Nor have you worked as a regular employee for the
6 Department of Justice or any prosecuting agency?

7 A. No. Just as a consultant.

8 Q. You do not have a security clearance?

9 A. No, I do not.

10 Q. You have never had a security clearance?

11 A. Correct.

12 Q. And in terms of your view of the relevance of security
13 clearance to your work, if I understand correctly, you don't
14 view access to secured -- or having a class -- security
15 clearance as important to your work?

16 A. No. To preserve my objectivity, no.

17 Q. In terms of the nature of the work that you do for the
18 United States Government, if I understand correctly, most of
19 it is done on a consulting basis, as you've done in this
20 case, after a person has been arrested?

21 A. Not -- I -- I don't know about most. I would say
22 significant degrees, but I don't know if I would use the
23 word most.

24 Q. Okay. We've gone down the road of the dollars you
25 earned and the sources in prior proceedings.

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1 A. Yes.

2 Q. Do I understand correctly that the majority -- a
3 significant majority of the money that you are paid by the
4 federal government comes from consulting of this nature in
5 cases of this nature?

6 A. Yeah. It varies year by year, but I think it's a
7 significant portion of it. If not, a significant majority
8 is probably accurate, yeah.

9 Q. Okay. Thank you.

10 With respect to the types of access that you have to
11 information, you used the phrase open sources in your direct
12 examination.

13 A. Correct.

14 Q. I'd just like to flesh that out a little bit. You do
15 not have the authority to obtain search warrants?

16 A. No, I not.

17 Q. You do not have the authority to intercept
18 communications?

19 A. Not illicitly intercept communications, no.

20 Q. You go on forums or websites; correct?

21 A. That's correct, yes.

22 Q. But you do not have the authority that the United
23 States Government has to obtain warrants to intercept
24 communications?

25 A. Correct. No, I don't have that authority, no.

Kohlmann - X

1 Q. Do you not have the subpoena power?

2 A. No, I do not.

3 Q. Okay. You do not have any contracts with Internet
4 service providers, such as Google or Yahoo, that gives you
5 any sort of insider access to the information that they
6 maintain on people who use their services?

7 A. We don't have contracts, no.

8 Q. Okay. You do not engage in illicit activity. You
9 don't hack into computers or things of that nature?

10 A. That's correct, yes.

11 Q. And in terms of the access that you have, you've
12 described your ability to -- to register on some forums?

13 A. Yeah. We have registered accounts on basically every
14 single relevant web forum that's out there, yeah.

15 Q. You have access, then, to the information on those
16 forums?

17 A. Correct. We take all that information offline and we
18 preserve it in case it disappears; but, yes, that's correct.

19 Q. You have access to that information?

20 A. Correct, yes.

21 Q. You have access to email information --

22 A. Yeah.

23 Q. -- as it appears on a forum, for example?

24 A. Correct, yes.

25 Q. You do not have access, as a general matter, to

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1 people's hard drives?

2 A. As a general matter, no, no.

3 Q. If, for example, as occurred in this case, the
4 government has seized a hard drive, they can provide that to
5 you?

6 A. That's one instance, yeah.

7 Q. But as a general proposition for the many, many
8 thousands or tens of thousands or hundreds of thousands of
9 people who are viewing things online or posting things, you
10 don't have access to their hard drives?

11 A. No. It would be a small minority.

12 Q. Okay. Nor do you have access to their email accounts?

13 A. Again, it would be a small -- it would be a minority.
14 I would say minority. Yeah.

15 Q. In terms of what you can see or what you can have
16 access to with respect to emails, if a person is posting
17 something on a site, and that includes emails, you might see
18 an email exchange in that forum; correct?

19 A. That's one example, yeah.

20 Q. But, for example, in this case, you know, the
21 Government had access to emails, and the Government provided
22 you with those emails that it had; correct?

23 A. Correct, yes.

24 Q. And that is -- would be the way in which you would
25 generally have access to a wide array of emails from an

Kohlmann - X

1 individual?

2 A. That would be the predominant source of that kind of
3 information, yes.

4 Q. Okay. Now, if I understand correctly -- I'm sorry, I
5 don't recall if you said it in this case or if you said it
6 in a prior proceeding, some of the -- the videos, the
7 al-Qaeda or bin Laden videos, have had as many as, for
8 example, 2.5 million hits?

9 A. I don't think I said that. But I would say that
10 depending on where they're posted, if something is posted on
11 YouTube, yeah, it's possible to get a substantial number of
12 hits. I can't personally recall any video that's been
13 posted on YouTube, an al-Qaeda video, that got that many
14 hits. It's possible, but I've never seen that.

15 Q. But there's no question that there are hundreds of
16 thousands or in excess of a million hits on some of the
17 al-Qaeda videos or postings?

18 A. Well, I don't know if I would give that high a number.
19 I would say it's a substantial number. Probably in the
20 thousands. I don't know if -- again, I've never seen a
21 video that's gotten more than -- in this sphere, that's
22 gotten more than maybe 10- or 15,000 hits.

23 Q. Okay. With respect to those 10- or 15,000 hits, given
24 the conversation that we've just had, you would not have had
25 access to the hard drives of the overwhelming majority of

Kohlmann - X

1 the people who viewed those videos?

2 A. Yeah, I would say it would be a minority that I would
3 have access to. That's correct.

4 Q. It would be a very small minority, would it not?

5 A. It would depend on a case -- case to case. It depends
6 on how many people viewed it and what the video is. It
7 would be definitely a minority, yes.

8 Q. Same would be true with respect with people who have
9 viewed Al-Awlaki videos or Al-Awlaki sermons?

10 A. Yes. That's true, yes.

11 Q. If I understood you correctly, I think you said that
12 there are many, many, many people around the world who have
13 viewed Al-Awlaki things?

14 A. Yeah, I think that's fair to say.

15 Q. So in terms of the number of people who have viewed an
16 Al-Awlaki video or some other As-Sahab media, without access
17 to the total pool of hard drives or email sets, you
18 have -- you do not know how many people have actually viewed
19 both sets of things?

20 A. We -- we have some idea, but it's not a definitive
21 thing. It's -- it would be an estimate, yeah.

22 Q. Okay. You've agreed that the number -- all right.
23 I'll stop there. Thank you.

24 You talked about the issues with respect to Denmark and
25 the cartoonist in Denmark?

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1 A. Yes.

2 Q. Same type of question. Many, many Muslims around the
3 world were upset at some of the things that happened
4 in -- at the cartoons and other things in Denmark?

5 A. Yeah. I think that's fair to say.

6 Q. Many people around the world, Muslims and perhaps
7 nonMuslims, said pretty inflammatory things about what had
8 happened in Denmark?

9 A. That's true, yes.

10 Q. Without access to the hard drives, full hard drives or
11 full email sets, for example, of those people, you would not
12 know how many people said things that were really
13 inflammatory?

14 A. Well, I was a witness to some of this stuff, so
15 I -- I -- again, it depends on -- on case -- the case, and
16 it depends on the specific circumstance, but it's fair to
17 say that was a common sentiment, yeah.

18 Q. I appreciate you have access to a certain number of
19 things. I think I was asking you a different question, sir.

20 A. Okay.

21 Q. Let me try again, please.

22 So the total number of actual hard drives you have had
23 full access to is what?

24 A. It's probably around 30 or 40.

25 Q. Okay. The total number of people who are viewing and

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1 posting on the forums and the websites that you've described
2 is far, far greater than 30 or 40?

3 A. Yeah. I'd say it would be in the hundreds or
4 thousands, yeah.

5 Q. Previously, I think you have said it's up in the many
6 thousands, not just limiting it to the hundreds.

7 A. It depends on which video. If it's an Al-Awlaki thing,
8 it probably has more views because of the fact that
9 Al-Awlaki speaks in English. But an As-Sahab video that
10 gets less distribution, it's all in Arabic, it doesn't
11 necessarily get posted on YouTube, that would have -- it
12 just depends on the video.

13 Q. Okay. 30 to 40 hard drives total that you've had full
14 access to?

15 A. Approximately.

16 Q. In terms of the number of people for whom you have had
17 access to, their full email accounts, all of their emails,
18 roughly how many would that be?

19 A. I can't really -- I don't really know the answer to
20 that. I only know what I've been provided, so I can't -- if
21 I've been provided with email, I can't say for certain
22 whether or not that email is everything that that person
23 emailed out or everything in their inbox. It's only what
24 I've been provided in discovery. Assuming that I've been
25 provided it by the Government in a case like this.

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1 Q. Right. So I appreciate that caveat, but the total
2 number in which you might have had access to the full set of
3 emails is going to be 20, 30?

4 A. Probably 20 or 30, yeah.

5 Q. Thank you.

6 All right. With respect to Samir Khan, you've not had
7 access to any full hard drives from any of his computers?

8 A. Not that I'm aware of, no.

9 Q. You have not had full access to whatever email accounts
10 he had?

11 A. Not full access, no.

12 Q. And, sir, if I -- if I understand correctly from prior
13 testimony that you have given, as a general proposition, you
14 do not study legal documents or the charges in a case?

15 A. If I can, I try to avoid that. It's not necessarily
16 relevant to the analysis I'm doing.

17 Q. And if I understand your testimony from prior
18 proceedings correctly, it's your belief that the fact that
19 an individual acts at the direction of the FBI is irrelevant
20 to your analysis?

21 A. It's not part of what I -- what my analysis is, no.

22 MR. WAX: Thank you. Judge, I have no further
23 questions.

24 THE COURT: All right. Anything on redirect?

25 MR. KNIGHT: Yes.

Kohlmann - ReD

REDIRECT EXAMINATION

BY MR. KNIGHT:

Q. Mr. Wax asked you a number of questions about the volume of videos you've come across in your work.

A. Uh-huh.

Q. How many folks -- or how many As-Sahab articles have you seen where people have published commentary about As-Sahab Media?

A. I've only seen one in *Jihad Recollections*.

Q. And speaking generally about the quantity of items you look at -- videos, emails -- are your opinions based on one set of emails or one set of individuals or the totality of that material?

A. No, the totality of that material. I'm looking at all the evidence plus whatever is in my database.

MR. KNIGHT: Thank you. No further questions.

THE COURT: Anything further?

MR. WAX: No, thank you, Your Honor.

THE COURT: May this witness be excused?

THE WITNESS: Thank you, Your Honor.

THE COURT: You're excused. All right. Call your next witness.

MR. KNIGHT: Your Honor, at this time the Government rests. The only clarification I'll add is we

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1 need to confer with the Court related to the exhibits to
2 make sure we've got that squared away.

3 THE COURT: We'll defer ruling -- not defer
4 ruling, but we'll defer the exhibit issue, and we'll go
5 ahead.

6 You have nothing further by way of witnesses. You do
7 have some exhibits that we'll take up.

8 All right. You may -- are you ready to begin your
9 case, Mr. Wax?

10 MR. SADY: We --

11 THE COURT: You can reserve motions.

12 MR. SADY: Thank you.

13 MS. HAY: The defense would call Osman Barre.

14 THE COURT: All right.

15 DEPUTY COURTROOM CLERK: Come forward.

16
17 OSMAN BARRE,
18 called as a witness in behalf of the Defendant, being first
19 duly sworn, is examined and testified as follows:

20
21 DEPUTY COURTROOM CLERK: Please be seated. Pull
22 your chair all the way forward. State your full name and
23 spell your last name for the record.

24 THE WITNESS: Osman Mohamud Barre. B-A-R-R-E,
25 last name.

Barre - D

DIRECT EXAMINATION

BY MS. HAY:

Q. Mr. Barre, could you tell the jury your relationship to Mohamed, the defendant here?

A. Mohamed Osman Mohamud is my son.

Q. And I expect this has been a very difficult two and a half years for you; is that right?

A. That's correct.

Q. I wanted to ask you some questions about your background, about your son, okay?

A. Okay.

Q. First, could you just give us some background about your family and how you came to the United States?

A. I came here as a refugee in 1993, because there was Civil War going on in Somalia that started at the end of -- first of all, I wanted to add one more thing. I don't make eye contact because of my culture. So if I don't look at your eyes, I'm not lying. I just want to make sure you understand that.

So there was Civil War going on in Somalia that started at the end of 1990, and Mohamed was born during the Civil War, and at that time they start -- especially the -- I was one of them, I had to leave my family behind and come to -- sorry.

Q. I know this is difficult. Did you have to leave your

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1 wife and your young son behind when you came to the United
2 States eventually?

3 A. Excuse me. That's correct.

4 Q. Okay. And how -- how long was it before they could
5 come and join you here?

6 A. Around almost a year. They come here in '94. November
7 30th.

8 Q. And when is your son's birthday, please?

9 A. August 11th, 1991.

10 Q. Once you came to the United States -- well, when they
11 came to the United States, how did they appear to you?

12 A. They were malnourished, they were suffering, but they
13 were happy.

14 Q. Were you able to help create a new life here with your
15 family?

16 A. Excuse me. That's correct.

17 So they were suffering. When I came here, as a
18 refugee, I was grateful to come here because there was a lot
19 of suffering back home, and we were grateful to America at
20 what they gave me -- myself and my family, and I
21 started -- I had a degree in engineering when I came here,
22 and I was an assistant lecturer at the Somali National
23 University. I was an assistant lecturer.

24 So when I came here I could not find a job. They told
25 me everything I had -- you know, if I applied for an

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1 engineering job, they'd say I don't have experience here.

2 And if I apply for an entry-level job, they say I'm

3 overqualified.

4 Q. Did you take some entry-level jobs at first when you
5 came here?

6 A. That's correct. I worked in a packaging company. I
7 worked 13 hours out of 24 hours a day, almost seven days a
8 week.

9 Q. Did you eventually manage to get to a company and move
10 up in that company?

11 A. Before I -- then what I did was when I get -- when I
12 worked there for a while, I started looking at engineering
13 jobs. I was able -- I applied for a job at Intel through a
14 temporary agency, and I started as an assembly. Although, I
15 was an engineer. And I move up my way and now I'm a
16 software engineer at Intel.

17 Q. How long have you worked at Intel, all told?

18 A. Eighteen years, plus -- plus one year of contracting.
19 Almost 19 years.

20 Q. Okay. How many people are in your immediate family?
21 You and Mohamed and how many others?

22 A. I have another son who's nine and a daughter who's 17.
23 Both of them born here.

24 Q. And Mohamed's mother is named what?

25 A. Miriam Hassan Barre.

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1 Q. You told us about one difference between Somalia and
2 the United States; that's about not looking people in the
3 eye?

4 A. Also, when we name our kids, we don't use family names.
5 The way we name our kids are sequential names. Your first
6 name is your given name. The second name is your father's
7 name. And the third name, which we call here is your last
8 name, is your grandfather's name.

9 It goes on like the three. So, for example, my son has
10 a different last name because his name is Mohamed Osman,
11 which is me, Mohamed, which is my father's name, Barre,
12 which is my grandfather's name.

13 Every person will have sequential names, which is
14 different than, you know, the way here people name their
15 kids.

16 Q. Thank you. And what about the language in Somalia?

17 A. I don't know if you guys know Somalia is in East
18 Africa. We're African. We're not Middle Eastern. I don't
19 know why people -- we're Muslim a hundred percent, and we
20 speak Somali language, also.

21 I speak five languages, but I learned that, and I
22 understand two more. But my son barely speaks Somali. He
23 knows English, because he grew up here. He knows a little
24 bit of Arabic because of our beliefs. Our Quran book is
25 written in Arabic. So every Muslim, they have to learn

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1 Arabic because of that. He knows minimum.

2 Q. Can you tell us some things about your son as a child
3 and what his interests were as a child?

4 A. Yeah, he likes swimming, basketball. He's a big fan of
5 NBA, like me. I'm a Blazer fan. He's a Lakers fan. He
6 likes, also, reading. He likes, you know -- also, you know,
7 he was going through -- like every immigrant kid, he was
8 going through an identity crisis. Why are we here? Why do
9 we speak different language? Why do women wear different
10 things? Many kids, when we immigrate to this country, they
11 go through what we call an identity crisis. They have to
12 relate to two different cultures, two different beliefs, and
13 they have to fit that.

14 Q. Did you see some examples of that as your son turned a
15 teenager?

16 A. That's correct.

17 Q. Okay.

18 A. Not only was he going through the rebellion age of
19 teenagers, but also he was confused between the two
20 cultures, the two cultures and the two beliefs, he was going
21 through ID crisis.

22 Q. You go to a mosque here in Oregon?

23 A. That's correct.

24 Q. Okay.

25 A. First time I come here, I live in Hillsboro, because I

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1 was working at Intel, and I was working assembly line 13
2 hours a night, so I needed some place I could spend more
3 time with them. We lived right across from Intel.

4 So then they -- there was nobody close to them. My
5 wife was wearing a hijab. My son speaks Somali; a little
6 bit he speaks. Then I realize there was a Muslim community
7 in southwest Portland. Then I moved them there to give them
8 at least comfort.

9 Q. So does the mosque -- the mosque play some role in your
10 lives as a family?

11 A. That's correct. Because, you know, there's a lot of
12 people all over the world that live in that area, because
13 there's a mosque where Muslims are, and we go there to
14 practice our belief; not to harm anybody.

15 Q. So you said it's like a community center?

16 A. It's more a community center. We have activity,
17 including gyms. We have, you know, language. We teach. We
18 help with homework. You know, and they try to associate
19 others that look like them that believe same way; they pray
20 the same way.

21 It's like, you know, if you are Christian -- if you're
22 Catholic, for example, you go to Catholic church. If you're
23 Muslims, you go to the mosque, which is like a church for
24 us.

25 Q. Let me ask: Did you and your family go to London at

Barre - D

1 some point when Mohamed was a teenager?

2 A. That's correct. When he was around -- I think 2008 we
3 took a family vacation. I have an extended family in
4 London. We visited there, and I took all my three kids, you
5 know, that way they can see, you know, my family in London.

6 And I have a family also in Toronto, Canada. He went
7 with me when he was eight.

8 Q. So on the London trip, was there an incident at the
9 airport in London?

10 A. That's correct. When we landed in London, you know,
11 the immigration office picked -- picked up -- picked my son.
12 I don't know why. He said, you know, he -- he say, you
13 know, his last name and first name sounded like "Mohamed
14 Mohamed." When it's Mohamed Mohamud. They took his
15 passport, and they went back to this room, and then he come
16 back and told us he doesn't like this kid. And I told him
17 why?

18 And, you know, Mohamed felt he was profiling us, and I
19 told him, dad, this is immigration office. We're
20 in -- we're not in America. We're in a different country.
21 Be patient with them. If you argue with them, they might
22 send us back.

23 Mohamed is the kind of a kid -- now he's 21. If I tell
24 him, "Listen to me," he's -- he's simple, and even I -- I
25 can take his passport, and he will say no word to me. He

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1 will say, "Okay, daddy."

2 Q. Did you keep control of the passports on that London
3 trip the whole time?

4 A. That's correct. I had the passport with me, because he
5 was underage. 17.

6 Q. Okay. Let me ask about London, generally. I
7 understand the incident at the airport was distressing, but
8 how was London generally for the family?

9 A. London, they have so many diverse people. There's a
10 lot of Muslims around the world, especially from Pakistan.
11 Everywhere you go you see Islamic signs, Islamic meal. Many
12 mosques. Every, like, ten blocks there's a mosque. So he
13 told me, Dad, this place seems like an Islamic -- you know,
14 a Muslim country. You know, and I -- I like London. He
15 fell in love with London.

16 Q. There's a lot of food that's halal food available?

17 A. It's like in the culture in Islam. The way -- in the
18 Islamic way we call halal. There was a lot of halal meat,
19 there was women wearing hijabs. There was a lot of, you
20 know, Islamic, you know, things you could see around.

21 Q. And was there a family event, a funeral, at that time?

22 A. That's correct. There was an uncle of mine who was
23 born in Somalia, who passed away, at that time, in London.
24 There was a funeral service at the time. And Mohamed went
25 there, and he was amazed -- there was a lot of family

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1 members who came around Europe at that time to attend the
2 funeral service, and he was amazed at how much family --
3 extended family we have in Europe.

4 He told me: Dad, can we move here?

5 And I told him: No, dad, because you're finishing high
6 school. You need to go to college, because America has the
7 best colleges in the world, and you're lucky enough to have
8 the opportunity to go to college in the U.S. So we're going
9 back and you're going to go to college. Once you graduate,
10 you can choose where you want to live.

11 Q. Okay. Let me show you a few photographs. I'll show it
12 to the witness first, so we can get the foundation.

13 Can I show you, please --

14 A. Yeah, this?

15 Q. 1004C. Do you recognize the photo?

16 A. Yes. This is in London --

17 MS. HAY: Your Honor, may I offer that?

18 THE COURT: You're offering?

19 BY MS. HAY: (Continuing)

20 Q. Do you recognize the photo as from London? Is that
21 right?

22 A. That's correct. It's from London. My youngest son,
23 who's nine now -- at that time he was five -- and Mohamed in
24 a bumper car.

25 MS. HAY: I offer this photo.

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1 THE COURT: Any objection?

2 MR. KNIGHT: No objection.

3 THE COURT: It will be received.

4 MS. HAY: I have three others I'll show him. If
5 there's no objection, I'll just show them to the jury. Is
6 there?

7 MR. KNIGHT: Which are they?

8 MS. HAY: D, E. Show the witness first, please.

9 THE WITNESS: This is Mohamed, my daughter Muna,
10 my son Younis, and his nephew, you know, sitting in my
11 brother's home.

12 BY MS. HAY: (Continuing)

13 Q. So is this a photograph in London, as well?

14 A. In London, as well.

15 MS. HAY: Your Honor, I offer 1004D.

16 THE COURT: Any objection?

17 MR. KNIGHT: No, Your Honor.

18 THE COURT: Received.

19 MS. HAY: And then 1004A. Can we show the jury?
20 I mean, show the witness, rather.

21 We can publish 1004D. If we can show 1004D to the
22 jury, please.

23 THE COURT: Any objection?

24 MR. KNIGHT: No objection.

25 THE COURT: Okay. It will be received. You can

Barre - D

1 show it.

2 MS. HAY: Okay. Now I'd like to show you another
3 photograph, 1004A. To the witness only, please.

4 BY MS. HAY: (Continuing)

5 Q. And is this one of your photographs?

6 A. Yeah.

7 Q. Can you identify the people in that photo?

8 A. Yeah. It is my daughter Muna and my son Mohamed, and
9 this is his graduation from high school. Westview High
10 School.

11 MS. HAY: Your Honor, I'd offer 1004A.

12 MR. KNIGHT: No objection.

13 THE COURT: Received.

14 MS. HAY: And publish that to the jury.

15 And 1004B to the witness, please.

16 BY MS. HAY: (Continuing)

17 Q. And is this a photo that was in your possession?

18 A. That's correct.

19 Q. And who -- can you identify the people in this photo?

20 A. This is myself, his mom -- Mohamed's mom -- Mohamed,
21 Muna my daughter, and my youngest son.

22 Q. So this is a family portrait. Is this at the time of
23 his graduation, as well?

24 A. His graduation from high school. That's correct.

25 MS. HAY: Your Honor, I offer 1004B.

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1 THE COURT: Any objection?

2 MR. KNIGHT: No objection.

3 THE COURT: Received.

4 BY MS. HAY: (Continuing)

5 Q. So at the time of this photo in -- your son's
6 graduation, I notice your wife at that point was not wearing
7 a hijab; is that correct?

8 A. That's correct.

9 Q. Did she at some time change her decisions about that?

10 A. When she come here she was wearing hijab, but I think
11 around 2004 she decided not to wear hijab. And then she
12 wears it whenever she feels. That's her choice. At this
13 time she was not wearing it.

14 Q. And can I show you, please, 1004A again? And in this
15 photo is it -- Mohamed is wearing braces; is that right?

16 A. That's correct. He -- we -- you know, he
17 started -- you know, putting braces -- we took him to a
18 dentist when he was in senior high school.

19 Q. And how long did he have to keep those braces?

20 A. Through the -- through the first year, I'm sure. I
21 don't remember when we took it off, but it was, like, around
22 two years. This was the middle of his senior year. All the
23 way to college, when he was in his first year of college, he
24 was wearing braces.

25 Q. So his freshman year of college he still had braces?

Barre - D

1 A. Yes, that's correct.

2 Q. How did he get to the orthodontist?

3 A. He was going to Sylvan Orthodontics, and I have to go
4 every other weekend or whenever he had appoint -- I used to
5 drive all the way to Corvallis to pick him up and drop him
6 to the -- the dentist, and then take him back to Corvallis
7 where he was going to college.

8 Okay. And I wanted to show you another exhibit, just
9 to the witness only, please. Defendant's 107A or B, 1007A.
10 No.

11 MS. HAY: Your Honor, may I approach the witness
12 to show him a paper copy?

13 THE COURT: You may.

14 BY MS. HAY: (Continuing)

15 Q. Here you go. Do you see that?

16 A. Yeah.

17 Q. Now, your son enjoyed writing; is that correct?

18 A. He enjoyed writing. He enjoyed reading -- he had a lot
19 of books, like Harry Potter.

20 Q. Harry Potter?

21 A. He used to like reading. He used to like writing.

22 Q. And in tenth grade did he enter a poetry competition?

23 A. He entered a poetry competition that was, you know, the
24 American Literacy Forum.

25 Q. Did you see the video earlier that was played in the

Barre - D

1 courtroom for that?

2 A. He won an award for that, if I remember correctly.

3 Q. Okay. Looking at Defendant's 1007A, does that appear
4 to be the book in which your son's poem was published?

5 A. That's correct.

6 Q. Can you find the page in there which is his poem?

7 A. Yeah.

8 Q. Can you -- can you tell us what page number that is, if
9 you can read it?

10 A. 53, I think.

11 Q. Okay. And does it have his name, or how does it
12 identify him?

13 A. Yeah, he has, you know, gender, male, his age, and also
14 the place of birth was Mogadishu, Somalia.

15 Q. Mogadishu, Somalia?

16 A. Yeah.

17 MS. HAY: I'll offer 1007A.

18 THE COURT: Any objection?

19 MR. KNIGHT: No, Your Honor.

20 THE COURT: Received.

21 BY MS. HAY: (Continuing)

22 Q. So let me turn now to August of 2009. Do you recall an
23 incident when you were concerned that your son was leaving
24 the country in August of 2009?

25 A. That's correct.

Barre - D

1 Q. And can you tell us what happened? What's the first
2 thing that you understood?

3 A. What happened was that day I was at work. Before
4 I -- before that, you know, me and my wife, we split. We
5 had a family issue for like a year and a half, so we decided
6 it was not working. Let's split and see what happens. And
7 then Mohamed and my -- all three kids and their mom, they
8 move to an apartment, and I move into different apartment.

9 So in August 2009 Mohamed called me while I was at
10 work. It was around 2:00, and he told me: Dad, I want to
11 leave the country. I'm leaving the country.

12 I said: Can you wait? Can we talk tonight when I get
13 home?

14 And he told me: No, it's too late. He has a passport,
15 visa, and ticket.

16 Q. So what did you do once you heard that?

17 A. I called his mom and said: Do you have the passport?
18 You know, do you have the passport? Mohamed called me and
19 told me he's leaving the country. He's too young and
20 immature, and we need to talk to him.

21 And she told me that she will drive home. And I drove
22 from work to her house, so we met there and the -- the
23 passport was missing.

24 Q. Okay. The passport was missing. So then what did you
25 do?

Barre - D

1 A. We started calling Mohamed, and he didn't answer his
2 phone. So I -- at the time that this incident happened --
3 as a parent, we were concerned, because there was a lot of
4 Somali kids, especially in the Minneapolis area, where we
5 have a big number of Somali community, they were
6 disappearing and going back to Somalia. So we panic. Our
7 son was young and he told us he's leaving the country. And
8 there was an incident I saw on the Internet of kids
9 disappearing. And then I saw one incident that the parent,
10 you know, lost his kid -- they didn't know where they were,
11 and they were looking on the Internet, and they saw their
12 son shot in the head, dead, in Somalia.

13 So, as a parent, we panic, and we needed help to stop
14 our son to not to leave country.

15 Q. So did you call out to try to get some help?

16 A. We went to the yellow page, and the first number I get,
17 I call, and said: Can you guys help me to stop my son and
18 not leave the country?

19 Q. Did you call the FBI?

20 A. That's correct.

21 Q. Okay. What happened when you called the FBI?

22 A. When I called them, they told me: We want to meet you.

23 And then Mohamed called his mom back. He answered his
24 phone, and he said he's in -- somewhere in southwest
25 Portland.

Barre - D

1 Q. Can I interrupt for -- when you called first, did you
2 give them your son's name and his --

3 A. I gave them his name and birthday and address of his
4 mom.

5 Q. You told them the nature of your concern?

6 A. Yeah, I told them my son just told me he's leaving the
7 country, out of the blue, and, as a parent, I'm concerned.

8 Q. Did you invite them to come to your house to meet?

9 A. That's correct.

10 Q. Okay.

11 A. Not my house, but Miriam's house.

12 Q. Miriam's house, okay.

13 A. Yeah.

14 Q. In the meantime, when you're waiting for them, were
15 they going to call you back, or what was going to happen?

16 A. They told me they want to meet me, and they told me:
17 Can you meet us at the nearest cross intersection? So I
18 went to the outside, and then Miriam went out to pick up
19 Mohamed.

20 Q. Because, in the meantime, she had heard from Mohamed?

21 A. Yeah, she heard from Mohamed. And she drove to pick
22 him up, and she told me, you know: Mohamed is okay. She
23 called me back and she said: Mohamed's okay. He doesn't
24 have visa. He doesn't have a ticket. And she took the
25 passport from him.

Barre - D

1 Q. Let me back up for a minute. You went -- the FBI came
2 to meet with you; is that right?

3 A. The FBI, they didn't meet -- I was standing outside of
4 the MAX station; Merlo MAX station.

5 Q. That's where they told you to meet?

6 A. Yeah.

7 Q. Then what?

8 A. And then they went to Merlo High School parking. They
9 drove to Merlo High School parking, and they told me: Can
10 you meet us in the Merlo High School?

11 Q. Did you walk over to the high school?

12 A. I walked to Merlo High School, and I met them there,
13 and then they said: Let's go to a safe place.

14 Q. So they drove you somewhere else?

15 A. They showed me -- FBI ID first, and they told me, you
16 know, they're from Joint Task Terrorist Force. And I said:
17 Why terrorism? Are you alluding that Muslim and my son's
18 name is Mohamed? Why terrorism? You know, there's no
19 terrorism here.

20 We're citizen here. We believe in Islam. We are proud
21 to be American. We're grateful to America. Even I say "God
22 Bless America." We love America. They helped us when we
23 needed them the most.

24 Q. Did you get in the car with the FBI --

25 A. Correct. And I --

Barre - D

1 THE COURT REPORTER: I'm sorry. Could I have one
2 at a time?

3 BY MS. HAY: (Continuing)

4 Q. So let me finish the whole sentence. You got out of
5 the car and you drove with them somewhere. Is that what
6 happened next?

7 A. Yeah. I told them we have nothing to hide. We're not
8 bad people. We are hard workers. We come here to live.
9 We're proud of this society. We're grateful to America.
10 They brought us here when we didn't have anywhere to go.

11 Q. And did they want to get some information from you
12 about your son?

13 A. That's correct. They asked me my ID. I give my ID.
14 They asked me the address of, you know, Miriam. I already
15 give that. They ask me what I do. I told them I work for
16 Intel. I'm a software engineer.

17 Q. Did you describe your concerns about Somalia?

18 A. Yeah, I -- I explained to them why I called them, which
19 was, you know, the concern I have; many kids are
20 disappearing and going back to Somalia.

21 Q. Did you actually say you heard some of those kids
22 from --

23 A. I saw some of the pictures on the Internet, and I told
24 them that.

25 Q. Did you say you heard some of the kids from Minnesota

Barre - D

1 had been brainwashed?

2 A. That's what -- that's not exactly the sentence I used.
3 What I told them was, you know, I was concerned because some
4 of the kids in the Somali community in Minneapolis, they get
5 brainwashed and taken back to Somalia and some of them died.
6 I don't want that to happen to my son. I'm trying to stop
7 him.

8 They told me he's an adult. There's nothing we can do.

9 I tell them he might be an adult, but he's still a
10 child and immature.

11 Q. But they told you because he is an adult they can't --

12 A. They can't help me.

13 Q. Did you agree to give them any update if you learned
14 anything?

15 A. I told them if he -- now he's home. They told me not
16 to tell him that I talked to them; but Miriam, his mom,
17 already told him that we called the FBI, so one -- when I
18 come back home, then they -- you know, we -- they did an
19 interview and then they left. The FBI, they brought me back
20 to, you know, Miriam's house. And then I talked to Mohamed,
21 and I said why -- he told me it's a fluke. This was
22 just -- I was just -- you know, I was just saying. I was
23 not going anywhere. I didn't have a passport.

24 I told him what made you think that you can -- you
25 know, he told me he was thinking of going to Yemen. And

Barre - D

1 before this incident, he -- you know, expressed, my son,
2 that he loves to learn Arabic and Islam, and he would like,
3 you know --

4 Q. He wanted to go learn Arabic and Islam?

5 A. That's correct. And I told him: You can learn those
6 and do those when you graduate from college and become a man
7 and are mature enough.

8 Q. Let me ask you. You maybe misspoke. You said your son
9 didn't have a passport. Did he have his passport with him?

10 A. He had his passport but not a ticket or a visa at the
11 time.

12 Q. Okay. Did you reach an agreement with your son about
13 what should happen next?

14 A. Yeah, we -- me and his mom, Mohamed was -- we sat down,
15 and I explained to him everything, and he agreed with -- to
16 go to college and to stop thinking of going anywhere. I
17 told him I'm not from Yemen. I don't know nothing of Yemen,
18 and I left my home country because of violence. I brought
19 you here to give you a life of prosperity, and we are here,
20 and you are going to be here with us and go to college, and
21 we were going to support you to do that.

22 Q. Did you ask him why Yemen?

23 A. Yeah, I asked him: Why Yemen? Why Yemen? Why do you
24 want to go to Yemen? I'm not from Yemen. You're not from
25 Yemen. We don't know anybody there.

Barre - D

1 He told me he met a kid that was going to school here
2 at the mosque. I don't know the mosque -- it's not only for
3 the Somali community. It's for the whole Islamic community.
4 And we have members from all over the world. We have
5 Saudis, we have Egyptians, we have -- you know, you name it.
6 Every single -- Muslim, Americans, British, anybody who has
7 faith comes to the mosque, and we have our own community in
8 there. And Mohamed used to go there, and I used to go
9 there. You know, the whole family used to go there.

10 And so he met different people from different places.
11 Mohamed expressed one time one of the kids he met there, who
12 was going to college here, that he will like to learn Arabic
13 and Islam, and he said he can help him to do that.

14 Q. What was that kid's name.

15 A. He said the kid's name was Amr.

16 I told him, you know, he told me he forwarded to him
17 school he can learn Arabic and Islam, and I forwarded that
18 email to the FBI, and I said my son was going to school to
19 learn Arabic, and this is the link of the school that he was
20 going to.

21 Q. So let me just make sure I understood. Amr or Amro --

22 A. Amr or Amro, yeah.

23 Q. Told your son about a school in Yemen?

24 A. That's correct.

25 Q. And he had an email that he sent to your son?

Barre - D

1 A. That's correct. He send me an email that had the
2 school name.

3 Q. Okay.

4 A. And Mohamed told him, you know, he was going to the
5 school to learn Arabic and Islam, and I told him, dad, you
6 can learn Arabic and Islam once you finish your school here
7 and you become mature enough when you know wrong or right.
8 In the meantime, you stay here, and we help you become
9 better -- you know, a better person and help you to go to
10 college.

11 Q. Okay. Did your son go to college that fall?

12 A. That's correct.

13 Q. Why did he go?

14 A. He went to Oregon State. You know, he told us most of
15 his friends are going to Oregon State. I preferred him to
16 go to PSU. He said he would like to go to Oregon State
17 because most of his friends are going there.

18 We agreed with him. We say as far as you going to
19 school, you know, we will support you. I had recommended
20 him to learn medical, but he said he wanted to be an
21 engineer. I said, that's fine, you want to be an engineer.
22 You can be an engineer.

23 Q. Let me back up to August. Did the FBI tell you they
24 had any concerns about your son and the people he was
25 connected to?

Barre - D

1 A. Not at all.

2 Q. If they had told you they were concerned about your son
3 and thought he was in contact with a dangerous extremist,
4 what would you have done?

5 A. Well, I talked to -- you know, we have a member of the
6 community, leaders that are counselors, in our community
7 that can talk to the teenager when they're going through --
8 because teenagers, they go through -- especially those who
9 migrated here, because of the two cultures, they go through
10 an identity crisis.

11 So we have counselors that talk to them and teach them
12 what is right and wrong, and I have a few friends who he
13 respects, Mohamed, as -- as Muslim leaders, that would talk
14 to him and tell him, you know, what's right and wrong. But
15 nobody contacted me before they arrested him.

16 Q. The next time they talked to you was when they --

17 A. When they arrested him.

18 Q. And back to -- and that was actually -- first, you
19 talked to them at the airport when he was going to Alaska,
20 correct, the FBI agent?

21 A. You're right. I talked to FBI, also, when my son was
22 flying to Alaska.

23 Q. Okay. Let me just ask you a little bit about college
24 before we get to that.

25 A. That's correct, okay.

Barre - D

1 Q. His freshman year in college, you stayed in touch with
2 him; is that right?

3 A. That's correct. I used to pick him up and drive him
4 back to Corvallis every other weekend at least, if not every
5 week. I used to drive every Friday, when I finish work, to
6 Corvallis to pick him up. That way he can spend time with
7 his mom and two siblings. His mom used to clean his
8 clothing and do the laundry for him and give him food and,
9 you know, some cash to go back to college.

10 Q. Did you go to many events down at Oregon State?

11 A. There was a big event they called African night. They
12 had a big concert. You know, most -- all the kids that came
13 from Africa that were going to Oregon State, they created a
14 concert called African Night Concert, and Mohamed was the
15 actor of the concert. He was acting as the lead, you know,
16 actor role of the concert. Me and his mom, we went there to
17 support the event. We were there.

18 Q. Now, are -- were you aware at the time that your son
19 was drinking quite heavily?

20 A. Not at all.

21 Q. Did you know he had been smoking marijuana?

22 A. No.

23 Q. So there were some things that he hid from you. Is
24 that fair to say?

25 A. That's correct.

Barre - D

1 Q. You didn't know about what he was doing online?

2 A. No.

3 Q. Do you feel you still know who your true son was even
4 if he didn't tell you everything?

5 A. That's correct. My son, you know, he was the simplest
6 person. I'm not saying because he was my son. He is the
7 simplest person. He's a goodhearted kid. He was going
8 through ID crisis, like many kids go through. He was a role
9 model for the whole community. The community members used
10 to say, "Why don't you want to be like Mohamed?" He was
11 easy going, likeable, you know, and he was just, you know,
12 down to earth. Simple person.

13 And also we teach our kids to be -- to respect -- to
14 respect elders. So he was very shy around -- you know, when
15 he's close to, you know -- like, he never called, you know,
16 somebody like -- if he's talking to somebody who's an adult,
17 he would never call him Mr. X. He'll call them uncle or
18 aunt. That's what we teach our kids; to respect others and
19 call them uncle or aunt. That's the time he use it, from
20 the beginning.

21 Q. Let me -- I know this is a difficult topic. You
22 mentioned already that you and your wife had split up --

23 A. That's correct.

24 Q. -- while he was graduating from high school?

25 A. Uh-huh.

Barre - D

1 Q. Did that family difficulty continue into the spring of
2 2010?

3 A. That's correct. Also, you know, my daughter went
4 also -- who was teenager, also went through ID crisis. She
5 started running away.

6 Q. March of 2010?

7 A. March of 2010. And then we have to call the police and
8 say my daughter, who at that time was 13, 14, run away. And
9 then we were going through -- we split, we called FBI,
10 because my son wanted to leave the country, but he come
11 around and he went to college, and he was doing really well.
12 So we were suffering as family. We were going through, you
13 know, crisis.

14 Q. And about money, did Mohamed ask you for money very
15 often when he was in school?

16 A. He -- you know, we used to give him money, but Mohamed,
17 he's kind of, you know, what I call mellow. Even if he
18 needs something, he doesn't ask you. He doesn't say, "I
19 need this."

20 I have to ask him: Do you have enough money today?
21 Tomorrow? You know, kid is -- my daughter is opposite of
22 that, but Mohamed was just -- even if he's hungry, he will
23 never say he's hungry. I don't know why. If I'm hungry, I
24 will scream and say I need food.

25 Q. Were you aware how much he was trying to borrow money

Barre - D

1 or didn't have money in the --

2 A. No, I didn't --

3 THE COURT REPORTER: I'm sorry, I need to get the
4 full question.

5 MS. HAY: Did you hear the question?

6 THE COURT REPORTER: No.

7 BY MS. HAY: (Continuing)

8 Q. Were you aware of him needing to borrow money or
9 needing money in the spring of 2010?

10 A. No.

11 Q. Did -- but you would deposit money sometimes into his
12 Bank of America account?

13 A. I would -- I would deposit money into his account. His
14 mom did also through me. You know, she used to give me the
15 money and say, "Can you deposit this money for my son?"

16 Both of us supported him in that way.

17 Q. What bank account was that?

18 A. Bank of America.

19 Q. Bank of America?

20 A. That's correct.

21 Q. What were Mohamed's plans for the summer after his
22 first year of college?

23 A. He called me and he told me he wanted to go to Alaska
24 to do fishing, and I told him, you know, just -- I trust
25 him, but I -- I used to do -- who do you know from Alaska?

Barre - D

1 Who help you to get a job? He told me he has a friend name
2 Martinez, I think. Luis.

3 And he said his dad, you know, has a business --
4 fishing business in Alaska. Kodiak. I never even heard
5 Kodiak before. I knew Alaska, but I never heard Kodiak.

6 I said: Where's Kodiak?

7 He told me an island in Alaska.

8 I told him: Can you forward to me the email, the
9 itinerary, airline ticket of Luis? That way I can match the
10 flight time and the date. That way when you go there you
11 have somebody who knows the area that can take you where
12 you're going at least.

13 Q. Let me show you quickly Defendant's Exhibit 1011A for
14 the witness only first.

15 We'll make this bigger for you.

16 A. This -- this was the email my son sent to me saying
17 this is the ticket Luis had to go to Alaska.

18 MS. HAY: Your Honor, I offer 1011A.

19 THE COURT: Any objection?

20 MR. KNIGHT: No objection.

21 THE COURT: Received.

22 BY MS. HAY: (Continuing)

23 Q. Let me ask you, the first line, would you read that to
24 the jury, please?

25 A. Yeah. Baba -- which means dad or father in our

Barre - D

1 language -- this is the ticket he got. All the info is
2 attached.

3 Q. Which is your email address up there?

4 A. The jimaleh@gmail.com.

5 Q. Continuing on this document, can you just describe what
6 the rest of the document includes?

7 A. Yeah. So this was Alaska Airline ticket that Luis had.

8 Q. And that's -- he had that in April of 2010? Did you
9 see that date?

10 A. Yeah.

11 Q. And then it was forwarded to you the next day?

12 A. That's correct.

13 Q. So what did you think of this plan of sending your son
14 up to Alaska to work?

15 A. I thought it would help him to, you know, to work and
16 to get busy. Because usually if you let teenagers stand
17 around, they get in trouble.

18 I sent my daughter also to Canada, which -- usually I
19 try to make them busy during the summertime. So when he
20 told me he wanted to go and work in Alaska, I supported him,
21 and I bought the ticket for him. And I bought another
22 ticket for my daughter to send to my sister who lived in
23 Canada who has two daughters she can stay with.

24 Q. So you took your son to the airport in June of 2010?

25 A. That's correct.

Barre - D

1 Q. And he wasn't able to fly; is that right?

2 A. That's correct.

3 Q. So tell us about -- what that -- what happened when you
4 got to the airport?

5 A. So me and his mom and Mohamed, we drove to the airport
6 to send Mohamed to Alaska to go to fishing trip. And then
7 when we get to the airport, we went to the Alaska Airline
8 counter to check him in and we had our -- dragging his
9 luggage. And they told us to wait. You know, we waited.
10 We waited. And then they told us that our son cannot fly.

11 And we -- we ask -- we ask, you know, the counter
12 lady -- I said why he cannot fly? And she gave me a TSA
13 number to call.

14 Then, you know, my son was really mad, because he was
15 willing to go to Alaska to work. And I told him: Dad,
16 don't worry. Things we will clear, and we -- you know, we
17 will contact the authority and find out why you cannot fly.

18 And then we walked back, you know, to go to the
19 parking. In the hallway, there was two guys in front of us,
20 waiting for us, and they told us: Oh, we're FBI. Can we
21 talk to Mohamed?

22 Q. And did you see one of those agents testify here in
23 court?

24 A. That's correct. He was here. I think it was Brad.

25 Q. Brad Petrie?

Barre - D

1 A. And I think Christian Henders -- Chris Henderson.

2 Q. Chris Henderson was the second agent?

3 A. Right.

4 Q. Who has not testified?

5 A. He has not testified here.

6 Q. So did you agree to go talk with the FBI?

7 A. Yeah. We told them we have nothing to hide, you know.

8 And his mom said also: If you want to talk to him, we want
9 to be there.

10 Because to us he was just a child. He might have been
11 18 or 19, but --

12 Q. He was 18 at the time?

13 A. He was 18 at the time.

14 Q. And did you answer all of the FBI's questions?

15 A. We did.

16 Q. Did they want to ask some questions about Yemen?

17 A. That's correct. And I -- I told them, personally, he
18 was going there, and I forwarded everything to the FBI. He
19 was going there to study Arabic and Islam, and we talked
20 about it, and I told them I told Mohamed -- we talked -- we
21 agreed Mohamed to go to college, and that -- that's that.

22 Q. So they were asking about the incident back in August
23 of 2009?

24 A. Yeah, when we called them.

25 And I was upset, because I thought there were profiling

Barre - D

1 my kid because I called the FBI one time. So I -- I was
2 really mad that night, because, you know, I -- to us it was
3 unfair, without knowing why he cannot fly. My son was going
4 to, you know, work. They say -- they didn't explain to us
5 why.

6 Q. They didn't tell you he had been in -- in touch with a
7 dangerous extremist since he was 17?

8 A. No, no.

9 Q. Did Mohamed answer the questions the FBI asked?

10 A. He answered all the questions they asked.

11 Q. Did he -- did you hear him say something about Amr to
12 the FBI?

13 A. That's correct.

14 Q. He gave the name and where he's from?

15 A. He said, you know -- they said: Who do you know from
16 Yemen? He said: I know Amr, who was from Saudi Arabia, but
17 I met in the mosque in Portland.

18 Q. And you let them know you were going to hire a lawyer
19 and try to get your son to fly?

20 A. Yeah. I told them we're going to hire a lawyer. We
21 know our rights. We're going to clear the name of our son
22 from the no-fly list.

23 And we call a lawyer after that and he told us he
24 wanted to see all three of us -- me, his mom, and my son --
25 on December 15th.

Barre - D

1 Q. But Mohamed was arrested?

2 A. Mohamed was arrested before that, so we didn't have the
3 time to see the lawyer, so --

4 Q. How did Mohamed seem to you after that no-fly incident?

5 A. He was really upset. Then I talked to him, and I said:
6 Dad, you know, there's a -- legal -- there's a law in this
7 country and nobody can just pick you and do something
8 because you're Muslim or this. So this is what we're going
9 to do.

10 I told him -- I said we're going to hire you a lawyer.
11 I'll find you a job locally, in Portland, and you don't have
12 to worry about this incident. Just put it behind you.

13 So I went out there. I have a few friends. I called
14 Nike, and I was able to get a job at Nike. And also he had
15 two or three days off. I talked to another supervisor I
16 knew from Goodwill, and I said I have a son who's going to
17 college who needs a part-time job, also.

18 So I was able to find him another part-time job. That
19 way he can be busy and work during the summertime. That's
20 what he did that summer. Instead of going to Alaska, he
21 worked two jobs. One was Nike and the other three, four
22 days he was off he was working at the Goodwill on Burnside.

23 Q. Do you remember what shift he was working at Nike, or
24 what kind of hours?

25 A. He was working the nighttime, night shift, from, I

Barre - D

1 think, 6:00 to 6:00 or 7:00 to 7:00. I don't remember.

2 Q. 6:00 p.m. to 6:00 a.m.?

3 A. Yeah. To 6:00 a.m. The nighttime.

4 And then he will have one day to just recuperate and
5 the next day, during the daytime, he was working at the
6 Goodwill in -- on Burnside, you know.

7 Q. And during the summer where was he living?

8 A. He was living with his mom. Living in Beaverton, so --

9 Q. And then in the fall did he go back to school?

10 A. In the fall he went back to school, back to Oregon
11 State.

12 Q. Did you visit him down there?

13 A. I used to visit him and pick him up every other
14 weekend, at least, you know, and whether he has dentist
15 appointment or whether he comes home to visit, you know, his
16 mother, I used to give him a ride from there; here and back
17 to Corvallis.

18 Q. And did you ever see the new apartment that he rented
19 down there?

20 A. I saw one time, and I ask him how you can afford to
21 rent \$500 apartment? And I -- he told me he had -- you
22 know, he -- he's working part time at Oregon State. I told
23 him why you don't stay in the dorm, you know, and just
24 concentrate on school instead of working?

25 Q. Did you learn -- did you learn later the FBI paid for

Barre - D

1 that apartment?

2 A. That's correct.

3 Q. Now, did you become aware after he was arrested that
4 the FBI was reading the text messages between you and your
5 son?

6 A. That's correct.

7 Q. And in the fall did you all have some text messages
8 about your relationship and how things were going for you?

9 A. That's correct.

10 Q. Still some conflict within the family? Is that fair to
11 say?

12 A. That's correct. We had, you know, conflict in
13 our -- you know, in our family for -- that affected also our
14 kids, because when the relationship goes south, the kids
15 will suffer, also. He was suffering through that, too, you
16 know, so --

17 Q. I wanted to just take you back one exhibit. I
18 neglected to show you relating to Alaska. It's defendant's
19 Exhibit 1011B.

20 MS. HAY: Can you show this just to the witness
21 first?

22 BY MS. HAY: (Continuing)

23 Q. Does this appear to be one of your text messages?

24 A. That's correct.

25 Q. And does it show your --

Barre - D

1 MS. HAY: Well, your Honor, I offer Defendant's
2 1011B.

3 THE COURT: You're offering 1011B? Any objection?

4 MR. KNIGHT: No objection, Your Honor.

5 THE COURT: Received.

6 BY MS. HAY: (Continuing)

7 Q. Could you read that text message to the jury, please?

8 A. Yeah. So this is when I bought the ticket for him, and
9 I was telling him: I get the ticket for you and emailed me
10 the itinerary. Make dua for me and our family. Good luck
11 and make sure you save the money you earn inshallah and use
12 wisely.

13 Q. So you were confirming that you bought the ticket for
14 Alaska in this text message?

15 A. That's correct.

16 Q. And what does the phrase there "make dua for me and for
17 our family" mean?

18 A. So kind of -- you know, which reward me with prayer.

19 Q. Reward me with prayers?

20 A. That's correct.

21 Q. Or pray for me?

22 A. Or pray for me, you know, or reward me with prayers.

23 Pray for me. Is that -- that's an expression we use because
24 when we give money to somebody, we don't expect them to
25 pay -- as a culture, to pay us back. But to get rewarded,

Barre - D

1 you know, we just say "Pray for me" or "Reward me with
2 prayers."

3 Q. Okay. So returning to the fall of 2010, what was your
4 relationship like with Mohamed; you as a father and a son?

5 A. Fall of 2 --

6 Q. 2010. Just -- how would you describe your relationship
7 as he was a college student? What was your relationship
8 like?

9 A. I used to text him almost daily, call him, email him.
10 I we -- we were in contact, you know, most of the time.

11 Q. Would it be fair to say he thought you were pretty
12 strict with him?

13 A. I was very strict with my kids. You know, always -- I
14 had rules, and I used to enforce those rules. As a parent,
15 I used to say: This is my expectation of you. You know,
16 you need -- I used to tell him, my son, my expectation of
17 you is way ahead of anybody else, because he was my first
18 son, and he was very sharp kid, and I used to tell him, "My
19 expectation of you is the highest." I -- I used to remind
20 him of that all the time.

21 Q. Now, your son has been in jail for over two years
22 awaiting the trial; is that right?

23 A. That's correct.

24 Q. Are you able to visit with him?

25 A. I almost -- I visit every weekend, except few -- I can

Barre - D

1 say three weekends. Except that, I visited every weekend.

2 Q. And you're able to talk with him and still be in a
3 relationship with him?

4 A. Not only talk to him, give him support, being there for
5 him, give him some money to spend inside the jail. They
6 need a little money to buy stuff, you know.

7 Q. Mr. Barre, is there anything else you want this jury to
8 know about your son?

9 A. Yeah.

10 MR. KNIGHT: I object to the form.

11 THE COURT: Sustained.

12 BY MS. HAY: (Continuing)

13 Q. Can you just tell us the best quality about your son?

14 A. To be honest with you, my son is a goodhearted kid.
15 He's very simple. He was easy to influence. That's the
16 biggest concern I had, you know, when I -- when I was trying
17 to protect him, because he was just -- and he learned Islam
18 when he was young. He become religious when he was in high
19 school.

20 He was easy to influence, so I was scared always when
21 he say he's going somewhere; that somebody will take
22 advantage of his weakness. He was sharp. He was down to
23 earth.

24 Mohamed, when he was 18, I could tell him, "Can I have
25 your passport?" He would never object. He will say, "Here,

Barre - D/X

1 dad." That's how simple he was.

2 Could have said to me, "I'm 18, 19. Leave me alone.

3 This is my passport."

4 He would never say that. He's just a down-to-earth,
5 simple kid, and he was -- you can ask anybody in the

6 community. He was the role model of the whole community.

7 Kids -- parents used to say: Why don't you want to be like
8 Mohamed?

9 Q. I take it, you still love him?

10 A. I love him more than anybody in the world.

11 MS. HAY: Thank you, Your Honor. No further
12 questions.

13 THE COURT: All right. Cross-examination?

14 MR. KNIGHT: Thank you.

15
16 CROSS-EXAMINATION

17 BY MR. KNIGHT:

18 Q. Good morning. I know this is very difficult for you.

19 I want to ask you just a few questions.

20 A. All right.

21 Q. You've just told this jury how much you love your son,
22 and, of course, as a parent, that's understandable.

23 That love is what motivated you to go to the FBI, isn't
24 it?

25 A. The love I have and the concern I had and I -- as I

Barre - X

1 told the jury, was my biggest concern, was kids from Somalia
2 were disappearing, especially in Minneapolis, and I read the
3 Internet, and I was concerned.

4 Q. You were concerned, and that's why you went to the FBI?

5 A. I went to the FBI to get help to stop him not to leave
6 the country.

7 Q. Because you were concerned that he might be
8 brainwashed, isn't that right?

9 A. That is what I was afraid of. But can I tell you, the
10 FBI brainwashed my son.

11 Q. Well, that really wasn't my question. I know you, very
12 obviously, have very strong opinions, so I want to talk
13 about the facts.

14 At that time he were concerned that your son was being
15 brainwashed; is that right?

16 A. That is not the word I used. The way I recall was I
17 told them there was some kids that were disappearing and
18 brainwashed in the Minneapolis area.

19 Q. Okay.

20 A. And that is the -- the exact way I use it.

21 Q. Thank you.

22 You talked a little bit about that trip -- attempted
23 trip to Alaska in the summer of 2010. You were going to
24 help your son pay for that ticket?

25 A. I paid the ticket.

Barre - X

1 Q. And when that didn't work out, you were trying to help
2 your son get a job?

3 A. I helped him to get a job, also.

4 Q. And you've helped him a lot of different ways, sir,
5 haven't you?

6 A. What do you mean by that? What are you talking about?
7 What are you implying?

8 Q. Well, I'm not implying anything. You just told this
9 jury that you tried to help him out where you can. Is
10 that -- is that fair?

11 A. As a father, I did what I can do to help him to get a
12 job, to be a good kid, to go to college.

13 Q. Thank you.

14 And I just want to be clear. Sir, you did tell the FBI
15 that your son had every chance to succeed here in the United
16 States, didn't you?

17 A. He has -- I told them that we're grateful to America.
18 I told them that Good Bless America, because they help us
19 when we needed it the most. I told them also that we're
20 here to be part of this society. We're not here to make
21 trouble. That's what I told the FBI.

22 Q. Thank you.

23 And you did everything you could to help your son?

24 A. I wish I did more. I wish I could -- I -- I -- check
25 his texting -- you know, I didn't know much about this, you

Barre - X

1 know, what you're trying to allude, but I do what fathers
2 do, which is help their kids become better citizens.

3 MR. KNIGHT: I know.

4 Thank you, sir, I have no further questions.

5 THE COURT: Anything on redirect?

6 MS. HAY: No. Thank you, Your Honor.

7 THE COURT: This witness may be excused. You may
8 step down.

9 Call your next witness.

10 MS. HAY: Your Honor, I need to check and see if
11 the witness is outside. I believe we have someone there.

12 THE COURT: All right. Let's take a stretch break
13 while we're waiting.

14 MS. HAY: Our next witness is Mohammad Mohamed.

15
16 MOHAMMAD MOHAMED,
17 called as a witness in behalf of the Defendant, being first
18 duly sworn, is examined and testified as follows:

19
20 DEPUTY COURTROOM CLERK: Please be seated. Pull
21 your chair all the way forward. State your name and spell
22 your last name for the record.

23 THE WITNESS: Mohammad Mohamed. Last name
24 M-O-H-A-M-E-D.

25 THE COURT REPORTER: Can I have you spell your

Mohamed - D

1 first name, too?

2 THE WITNESS: Oh, M-O-H-A-M-M-A-D.

3

4 DIRECT EXAMINATION

5 BY MS. HAY:

6 Q. Mr. Mohamed, you and I have met once -- once before; is
7 that right?

8 A. Yes.

9 Q. And you were a student at Oregon State; is that
10 correct?

11 A. Yes.

12 Q. Did you meet the defendant, Mr. Mohamed Mohamud, there?

13 A. Yes.

14 Q. Let me ask you just some of your background, please.

15 Are you working right now?

16 A. Yes.

17 Q. Where do you work?

18 A. I work for Samaritan Health Services in Corvallis,
19 Oregon.

20 Q. What kind of work do you do for them?

21 A. I'm a systems analyst in their Informatics Department.

22 Q. Is that something that you studied at Oregon State
23 before that?

24 A. Yes. I was a health care administration. Major,
25 health management policy. But then right now what I'm doing

Mohamed - D

1 is more IT related. So a little off, but same track.

2 Q. Okay. And when did you graduate from Oregon State?

3 A. Oh, in 2011.

4 Q. And had you known Mohamed before you saw him at Oregon
5 State?

6 A. I knew of him and his family, but, like, we really
7 actually met in -- at Oregon State freshman year.

8 Q. Had you heard of his father?

9 A. Yes. He was part of the Somali community, one of the
10 leaders; you know, saw him at mosques and community
11 gatherings at Eids and stuff.

12 Q. So what year would you -- what year were you when
13 Mohamed came as a freshman?

14 A. Third year.

15 Q. You were a junior?

16 A. Yes.

17 Q. And did you live in the same building, or how did you
18 get to meet him?

19 A. Yes. I lived in Hawley dormitory on campus, and he
20 lived -- I lived on the fourth floor, I think, and he lived
21 on the second floor of that same building.

22 Q. Did you take it upon yourself to try to meet him and
23 show him around?

24 A. Yeah. Naturally, he's Somali, like me, so like when
25 I -- when I found out that there's another Somali person in

Mohamed - D

1 town that's a college student, I mean, I definitely wanted
2 to meet him and get to know him and -- yeah.

3 Q. Did you feel you could be a resource for him or offer
4 him advice?

5 A. Yes. Given that I was already in my third year, I felt
6 like -- you know, when I was a freshman in town, I felt
7 like, you know, it was a whole new world opening up, and,
8 you know, I didn't really have a person there to kind of
9 guide me along, and, you know, tell me everything is going
10 to be cool, and, you know, so I felt like, you know, being
11 the third year Somali there that I should, you know, like,
12 show him the ropes type of --

13 Q. You mentioned that you're Somali. Would you be willing
14 to share a little bit about your background when you came to
15 the United States and what your religion is?

16 A. Yes. My religion is Islam. I'm Muslim. In terms of
17 background, I -- I was born in Somalia, left during the
18 Civil War, I think, at age three, or something, and lived in
19 Pakistan for ten years with my family there, and then we
20 moved to the United States in September of 1999.

21 September 29, 1999. I've been in the States ever since.

22 Q. And so you share religion and home country with
23 Mohamed?

24 A. Yes.

25 Q. Did you talk about religion and living in a Muslim

Mohamed - D

1 country with him?

2 A. Yes. You know, what -- when two people are in the same
3 religion, it goes hand in hand that, you know, everything
4 you talk about -- could be religion, could be anything for
5 that matter. But as far as talking about country, we've had
6 discussions like, you know, about his upbringing, my
7 upbringing, you know, what kind of lives we led. Like, you
8 know, my lifestyle, like when I lived in Pakistan, what was
9 that like, you know, things like that.

10 Q. And what was your observation about how Mohamed was his
11 freshman year, in general?

12 A. He was a very social, energetic kid. Very happy
13 person. Very into life. Serious about his studies. He
14 wanted to make sure he was successful with his degree and
15 pretty average. Typical.

16 Q. Were you involved in the African Students Association?

17 A. He actually was more involved than me. I kind of just,
18 you know, was on the outskirts of it. I mean, I remember
19 partaking in the African night of the Oregon State the year
20 that he was a freshman, because he was the one that talked
21 me into doing the African -- like, the modeling cat -- like,
22 the modeling fashion show and wearing, like, African garb
23 and cultural clothing for the night.

24 As a matter of fact, he was part of a show where he was
25 one of the main leading actors that did a theater-type piece

Mohamed - D

1 about, like, an African story.

2 Q. Was that the end of his freshman year when that took
3 place?

4 A. Yes.

5 Q. Now, you said he was happy, outgoing. Did he ever seem
6 lonely sometimes to you or express that?

7 A. I remember Mohamed always had, like, a high energy his
8 freshman year. He was very happy, very outgoing, very,
9 like, you know, involved with many things. Multiple things.

10 But the second year coming back, I could kind of see a
11 little more withdrawn, you know, part of him. And at the
12 time we were living together for just a couple of weeks
13 until he had things in order, and I remember, like, he was
14 sleeping during the days, and things like that, and, you
15 know, me and my roommate were, like, you know, once asked
16 him even, "Hey, what's going on? Are you depressed or
17 something?" We just didn't see the same kind of -- I mean,
18 he was still there, but not as we were accustomed to, in a
19 sense.

20 Q. So you're talking there about the fall of 2010; the
21 beginning of his sophomore year?

22 A. Yes.

23 Q. Okay. Let me back up a little bit and finish freshman
24 year, and we can get to that.

25 When -- when he was a freshman, did -- did he talk to

Mohamed - D

1 you sometimes about living in a Muslim country, and did you
2 discuss Pakistan with him?

3 A. Yes. Like, living in Pakistan, I -- you know, when
4 you've lived your whole life in a -- like a nonMuslim
5 nation, there's some certain differences in lifestyles,
6 because when it's our religious holidays in Pakistan, the
7 whole country celebrated with you. From the morning of,
8 everyone had a -- like a celebratory jubilatory, like,
9 enthusiasm like the night before.

10 Kind of how it is here during the Christmas season.
11 There's like the Christmas carols and everybody is getting
12 their trees in order. And there's like a cultural, you
13 know, uniformity to the happiness, you know, you could only
14 feel when you're in a nation that practices the same values,
15 the same faith, and everything with you.

16 So, I mean, I kind of told him, like, Eids here, you go
17 to the convention center, you go pray, and you go see your
18 family here and there, but then you just go back to work.
19 It's not really -- it's not a big deal here as it is over
20 there, so --

21 Q. Sorry. Eids is a special holiday?

22 A. Yes. It's -- we have two religious holidays. One is
23 Eid Fitr and Eid Adha. F-I-T-R and A-D-H-A.

24 Q. And the first word is spelled E-I-D?

25 A. Yes.

Mohamed - D

1 Q. So that was something that you commented that would be
2 a positive thing to go be in a Muslim country?

3 A. Yeah. Not just that. That's just one example.

4 The other example is it's traditional to go to the
5 mosques and see, you know, as men, for instance, and boys
6 and stuff, people go to the mosque together so your
7 direction when being a devout Muslim kind of stays on the
8 straight and narrow, because your buddies go to the mosque
9 on Fridays, kind of like a ritual kind of a thing.

10 Everybody is doing it. So there's that angle. So you get
11 motivated to do that, you know.

12 Or during the month of Ramadan, when, you know,
13 everyone around you is fasting. Kind of an extra intensive
14 to say, hey, my buddy is doing this. Why am I cheating?
15 But here, when everybody is going on lunch break and you're
16 fasting, there's a little bit of a disconnect in that sense.

17 So there's a lot of going back again to uniformity and
18 having, like, the same togetherness to the approach, made it
19 fear more homely.

20 Q. You mentioned something about going to the cafeteria
21 and maybe feeling different if you were fasting. Did you
22 also experience just feeling different freshman year of
23 being a Somali American, not the same as some of the black
24 athletes on campus?

25 A. Yeah, it's natural, because when -- it doesn't matter

Mohamed - D

1 who you are, like, initially, you feel a stranger to the new
2 town, because you're feeling homesick. You know, it's not
3 your natural element. Your friends are not there. And then
4 you add the fact that, you know, you're a different race
5 than most of the people there. And then you add the fact
6 that you're a different faith. And then you add the fact
7 that you're a different country of origin.

8 You know, people that you can relate to on a regular
9 basis that really know who you are, you can't really, you
10 know, connect with -- with the subject matter, or whatever
11 the discussions are, or how you feel in connection with
12 someone else based on how you feel as a person, your
13 identity in comparison to others, so --

14 Q. Is that something you discussed with Mohamed,
15 occasionally, as well?

16 A. Yeah. I mean, you know, once again, him, that he is a
17 Somali guy, like me, a young Somali guy, we had a lot of
18 things in common. You know, our upbringings by our
19 families, the way our parents raised us, the -- you know,
20 the rules in -- like, you know, the taboos, or, you know,
21 the -- when you're in trouble, you know, like, how we go
22 about doing things or just -- you know, certain differences,
23 so we could relate to that.

24 Q. How much older are you than Mohamed?

25 A. I think I'm four or five years older than him. Six

Mohamed - D

1 maybe, even. I'm 26.

2 Q. You're 26 now?

3 A. Yes.

4 Q. Born in?

5 A. 1986.

6 Q. So is that, in your culture, significant, even that
7 kind of an age difference?

8 A. Yeah. We -- we hold the high reverence to elderly in
9 our -- like, in our community. Because someone is
10 elder -- like older than someone else, they automatically
11 get that token of respect and, you know, heedance to their
12 wisdom and their talking, and that's why, like, you know,
13 the old ones amongst us are usually our sage teachers and
14 people that we look up to that when they tell us something
15 we take it into account.

16 Even as little kids, we're kind of disciplined in the
17 way that even if we don't like what's coming from their
18 mouths, even if we think it's a senile old person that don't
19 know what they're talking about that doesn't hold current to
20 what's going on these days, we had a sense of, okay, yes,
21 sir, yes, sir. We hold them to a high standard -- higher
22 standards.

23 Q. You have to follow their directions when they're given
24 to you?

25 A. Yes.

Mohamed - D

1 Q. I wonder if I could ask you about a couple of
2 expressions. For example, the word deen -- I think it's
3 D-E-E-N?

4 A. Yeah.

5 Q. What does that mean?

6 A. Your deen is -- deen is, you know -- I'm not an expert,
7 but growing up deen, to me, meant faith. It meant your
8 religion. It meant your knowledge of the faith. Someone,
9 if they say someone has a strong deen, that means they have
10 a strong faith. You know a strong, like, you know, basis;
11 like a strong -- so deen could be -- in short, be construed
12 as your faith, your knowledge, your religion.

13 Q. Okay. And what about a pilgrimage to Mecca? What does
14 that significant or notify?

15 A. It's very important. Pilgrimage to Mecca is actually
16 part of our five pillars of Islam. It's the fifth one. If
17 you have the means in your lifetime to go perform the
18 spiritual journey to go to the Holy Land, so you can just
19 devote your whole time there worshiping God and just, you
20 know, not -- forgetting about the world around you and just
21 going there just for the sake of your soul and your
22 connection with God, and if you get the chance, every Muslim
23 person, that's one of their biggest wishes, to go perform
24 that.

25 Q. Is that a time of prayer and --

Mohamed - D

1 A. Yes. It's a time of worship and reflection.

2 Self-reflection, yes.

3 Q. And what about the expression make dua for me? What
4 does that mean?

5 A. That's actually a very normal traditional cultural
6 thing, too, and religious. It's basically saying, you know,
7 pray for me.

8 You know, so if I tell my friend, "Hey, I'm taking an
9 exam tomorrow. Make dua for me," that means, "Pray for me
10 that I'm successful and I pass my test, I do good in my
11 test." It's a saying kind of a thing.

12 Q. Sort of wish me well?

13 A. Wish me well.

14 Q. Or include me in your prayers?

15 A. Yes.

16 Q. And then how about if you heard the expression "make
17 dua for me that I will be a martyr in the highest chambers
18 of paradise;" how do you interpret a phrase like that if
19 somebody said that to you?

20 MS. HOLSINGER: Objection. Speculation on that
21 term.

22 THE COURT: Overruled.

23 BY MS. HAY: (Continuing)

24 Q. If somebody said that to you, how would that --

25 A. Yeah.

Mohamed - D

1 MS. HOLSINGER: Your Honor, I'm going to object.
2 That's an improper question. She's asking him to comment on
3 evidence and --

4 THE COURT: I overruled the objection.

5 THE WITNESS: Like make dua for me so that I may
6 become a martyr to go to the highest place in Jeddah
7 is -- so -- in Islam, there's no more nobler, more honorable
8 way to die as a person than to die for the sake of God for
9 no love of yourself or for no love of the earthly realm and,
10 like, for money or fame or dying because you want to be
11 loved by others. It's just the direct spiritual between you
12 and God. You -- you died for the sake of God defending his
13 faith, defending his religion that he brought to this world.
14 So it's a very noble, honorable death.

15 Make dua for me so I may be a martyr is kind of saying,
16 "Pray for me that when it's my time" -- because we're all
17 going to die sometime -- "that when it's my time to die,
18 that I die an honorable, like, noble death, so that I make
19 it closer to God."

20 BY MS. HAY: (Continuing)

21 Q. So if somebody was talking to you about martyrs, does
22 that mean suicide bomber to you?

23 A. Oh --

24 MS. HOLSINGER: Objection for speculating.

25 THE COURT: Sustained. Sustained.

Mohamed - D

1 MS. HAY: Your Honor, may I ask how he -- if
2 someone used the word "martyr" with him, would he consider
3 that --

4 THE COURT: Sustained.

5 BY MS. HAY: (Continuing)

6 Q. Okay. Let me move on, then. Did you know anything
7 about Mohamed's plans to go to Alaska at the end of his
8 freshman year?

9 A. Yeah, I did. I remember him discussing that
10 with -- amongst his friends. He was very excited about
11 going to Alaska to go fishing with his buddy Luis. Ruiz or
12 Luis. I don't remember. Luis, I think.

13 They wanted to go fishing. Fish for three months.
14 It's really good pay. Young person going fishing for three
15 months, get good money. So it was something he was excited
16 for.

17 And then when the time drew near, I remember him -- him
18 and I talking, and him telling me that, you know, that
19 didn't work out for me. I -- plans got cancelled, but Luis
20 got a chance to go, but he didn't. I remember him being
21 upset and kind of down about that, that he didn't get a
22 chance to go.

23 Q. And then you told us that you saw him in that fall
24 again of 2010?

25 A. Yes.

Mohamed - D

1 Q. Were you -- you were planning to live together; is that
2 true?

3 A. Yes. Initially, the plans were -- I just got out of
4 the dorms of -- from last year, and I needed a place to
5 stay, and he already made arrangements with Mulugeta to live
6 with him.

7 THE COURT REPORTER: I'm sorry, the name?

8 THE WITNESS: Mulugeta. One -- one of our
9 roommates that happened to become my roommate is -- he told
10 me he has a place for me to stay over there with him, and
11 then what happened is after I already moved in -- because
12 Mulugeta was already there for the summer, I think, and then
13 I moved in in late August or something. And he moved in a
14 few weeks afterwards, and then that's when he told us that,
15 you know, I don't -- I'm going to have to get my own place
16 to stay, and that's when we just became two-person --

17 BY MS. HAY: (Continuing)

18 Q. So that's --

19 A. -- roommates.

20 Q. So that's the period you told us he seemed down and you
21 were talking to him?

22 A. Yes. Those were the few weeks that he stayed with us
23 until he got things in order to get his own place.

24 Q. And then he moved into his own apartment?

25 A. Yes.

Mohamed - X

1 MS. HAY: Your Honor, if I could have a moment to
2 look at my notes.

3 THE COURT: All right.

4 MS. HAY: No further questions, Your Honor.

5 THE COURT: Cross-examination?

6 MS. HOLSINGER: Thank you, Your Honor.

7
8 CROSS-EXAMINATION

9 BY MS. HOLSINGER:

10 Q. Sir, did you know the defendant wrote articles for
11 *Jihad Recollections*?

12 A. No.

13 Q. Did you know he -- know he wrote an article that he
14 wanted to go into *Inspire* magazine?

15 A. *Inspire*? No.

16 Q. Do you know what those magazines are?

17 A. No.

18 Q. Did you know that the defendant was actively working on
19 portraying a different image while he was at college?

20 MS. HAY: Your Honor, I object to the question. I
21 didn't ask him for his character -- a statement about his
22 character, which is what these questions are designed to --

23 THE COURT: Overruled.

24 BY MS. HOLSINGER: (Continuing)

25 Q. Did you know the defendant made statements that he was

Mohamed - X

1 working on a particular image, a college student image,
2 while he was in Corvallis?

3 A. No.

4 Q. Did you know he wanted to -- he described it as being
5 undercover while he was in Corvallis?

6 A. No.

7 Q. Did you know he had multiple email addresses?

8 A. No. But can I -- like, having multiple emails
9 is -- it's the, like, normal, like --

10 Q. Did you know he had secret email addresses that he only
11 used for certain Islamic terrorists?

12 MS. HAY: Objection, Your Honor. That's not in
13 evidence.

14 THE COURT: Overruled.

15 THE WITNESS: No, I didn't.

16 BY MS. HOLSINGER: (Continuing)

17 Q. Did you know that he had certain opinions about people
18 of other religion, antisemitic opinions?

19 A. No.

20 Q. Did you know that he actually only took really one
21 class in the fall of 2009; an engineering class?

22 A. I did not know, but after -- it looked like after the
23 fact, later on, I heard from -- I don't remember who told me
24 exactly, but I then found out later, yes, after the fact.

25 Q. He took one class?

Mohamed - X

1 A. Yes. But at the time I thought he was, you know,
2 typical; 12 credits.

3 Q. And did you know he was actually flunking the winter
4 term of 2010?

5 A. No, I did not know that.

6 Q. So you thought he was active in school, as you
7 described, a good student, and he really was doing very well
8 at his image of being a college student?

9 A. Yes.

10 Q. As far as you knew?

11 A. Yes. As far as I knew, he was doing good, yes.

12 MS. HOLINGER: That's all the questions I have on
13 cross.

14 THE COURT: Anything on redirect?

15 MS. HAY: Yes. Just a moment, Your Honor.

16 If I could get one exhibit, please?

17 Your Honor, I would like to show Exhibit 109C to the
18 witness, please.

19 THE COURT: All right.

20 MS. HAY: 1009. Excuse me. I believe this has
21 already been admitted into evidence. Is that right?
22 Your Honor, I think it was offered and admitted earlier.

23

24

25

Mohamed - ReD

REDIRECT EXAMINATION

BY MS. HAY:

Q. The Government told you Mohamed was only taking one class in the fall of 2009.

Did you hear that?

A. Yes.

Q. Does this transcript show he was taking engineering, chemistry, calculus, and chemistry for engineering?

MS. HOLSINGER: Objection. It's a misstatement of the evidence, Your Honor.

THE COURT: Counsel, is that -- are you quoting from it?

BY MS. HAY: (Continuing)

Q. I'm looking for the -- so the top two courses there, CCCE orientation and chemistry for engineering; is that correct.

A. Uh-huh.

MS. HAY: Okay. Thank you, Your Honor. No further questions.

THE COURT: All right. Anything further?

MS. HOLSINGER: No, Your Honor. Thank you.

THE COURT: You may be excused. Thank you.

All right. We'll recess.

I do want to see the lawyers at about 1:15, so we'll recess until 1:30.

1 DEPUTY COURTROOM CLERK: Court's in recess.

2 (The jury panel leaves the courtroom.)

3 (Lunch recess was then taken.)

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C E R T I F I C A T E

I certify, by signing below, that the foregoing is a true and correct transcript of the record of proceedings in the above-entitled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

/s/Jill L. Erwin

Jill L. Erwin, RMR, CRR
Official Court Reporter

Date: January 28, 2013